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A

COLLECTION

OF THE

PUBLIC GENERAL STATUTES

PASSED IN THE

Twenty-second and Twenty-third Years

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA:

Being the FIRST SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of GREAT BRITAIN AND IRELAND.

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A

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OF

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cv. An Act to authorize the Construction of a Railway from *Hungerford* in *Berkshire* to *Devizes* in *Wiltshire*, to be called "The *Berks and Hants Extension* Railway." 1521

cvi. An Act for incorporating the *British and Canadian* Telegraph Company, and for other Purposes. 1537

cvii. An Act to embank and reclaim from the Sea certain Waste Lands subject to be overflowed by the Tide, and forming Part of *Chichester* Harbour in the County of *Sussex*. 1549

cviii. An Act to alter, amend, and extend the Acts for inclosing, embanking, and draining the Marsh called *Malltraeth and Corsddaugau* in the County of *Anglesey*, and to provide for the Maintenance of the Embankments and Drainage, and for other Purposes. 1561

cix. An Act to authorize the *South Staffordshire* Railway Company to acquire certain Lands and raise additional Capital; and for other Purposes. 1585

cx. An Act for the Amalgamation of the *East Lancashire* Railway Company with the *Lancashire and Yorkshire* Railway Company, and for other Purposes. 1593

cxi. An Act to authorize the *Leeds, Bradford, and Halifax Junction* Railway Company to convert their Mortgage or Bond Debt into Shares or Stock; and for other Purposes. 1637

cxii. An Act to enable the *Victoria* Station and *Pimlico* Railway Company to raise further Sums of Money. 1641

cxiii. An Act for enabling the *London and North-western* Railway Company to construct new Works and acquire additional Lands in the Counties of *Lancaster* and *Northampton;* and for other Purposes. 1645

cxiv. An Act to authorize the Maintenance and Use of the *Silverdale and Newcastle-under-Lyme* Railway, and the Use of the Extension Railway to the *Newcastle-under-Lyme* Canal, and for other Purposes. 1657

cxv. An Act to enable the *Waveney Valley* Railway Company to extend their Railway from *Harleston* to *Bungay* and *Ditchingham;* and for other Purposes relating to the same Company. 1673

cxvi. An Act to enable the *Herne Bay and Faversham* Railway Company to extend their Railway to *Margate*, to change their Name; and for other Purposes connected with their Undertaking. 1681

cxvii. An

cxvii. An Act for establishing Railway Communication between *Loughton*, *Epping*, and *Chipping Ongar* in the County of *Essex*, and for other Purposes. 1693

cxviii. An Act to enable the *Norwich and Spalding* Railway Company to extend their Railway from *Holbeach* to *Sutton Bridge* in *Lincolnshire*. 1709

cxix. An Act to authorize the Construction of a Railway from the *Hythe* in the Neighbourhood of *Colchester* to *Wivenhoe* in *Essex*, to be called "The *Tendring Hundred* Railway." 1717

cxx. An Act to afford Facilities for raising Funds for the Completion of the *Bridport* Railway, and to authorize the Lease thereof to the *Great Western* Railway Company. 1729

cxxi. An Act for making a Railway from *Knighton* to *Llandrindod* in the County of *Radnor*, to be called "The *Central Wales* Railway," and for other Purposes. 1741

cxxii. An Act to enable the *Colne Valley and Halstead* Railway Company to extend their Railway from *Halstead* to *Haverhill* in the County of *Essex*. 1757

cxxiii. An Act for improving, paving, draining, and lighting the Burgh of *Falkirk*, and for regulating the Supply of Water within the Burgh; and for providing for the Transference of the Property of the Stintmasters and Feuars of *Falkirk* to the Magistrates and Council; and for other Purposes. 1765

cxxiv. An Act for authorizing the *Lancaster and Carlisle* Railway Company to make new Works, and to make Arrangements with other Companies, and to raise further Funds; and for other Purposes. 1781

cxxv. An Act for making a Railway from the *Coultershaw* Branch of the *Mid-Sussex* Railway to the Town of *Midhurst* in the County of *Sussex*. 1809

cxxvi. An Act for making a Branch from the *North Staffordshire* Railway in the Parish of *Stoke-upon-Trent* in the County of *Stafford*, and for extending the Time for completing certain Works, and for authorizing Arrangements with the *London and North-western* Railway Company; and for other Purposes. 1829

cxxvii. An Act for enabling the *Stockton and Darlington* Railway Company to make a new Railway and other Works; and for other Purposes. 1841

cxxviii. An Act for making the *Kensington* Station and *North and South London Junction* Railway, and for other Purposes. 1853

cxxix. An Act to enable the *Lancashire and Yorkshire* Railway Company to construct Branch Railways from *Oldham* to *Rochdale* and *Royton* in the County of *Lancaster*; and for other Purposes. 1873

cxxx. An Act for enabling the *Midland* Railway Company to make an Extension of their *Erewash Valley* Line, to acquire additional Lands in the County of *Leicester*; and for other Purposes. 1885

cxxxi. An Act to facilitate Arrangements by the *Londonderry and Coleraine* Railway Company with their Creditors, and for other Purposes. 1893

cxxxii. An Act to suspend in certain Cases the Operation of the Twenty-eighth Section of the "*Liverpool* Sanitary Amendment Act, 1854," and for other Purposes. 1905

cxxxiii. An Act for the better Regulation of Watermen, Barge Owners, and others connected with the Navigation of the River *Thames* between *Teddington Lock* and *Lower Hope Point*. 1909

cxxxiv. An Act for the making and maintaining of the *West London Extension* Railway, and for other Purposes. 1937

cxxxv. An Act to amend "The *Tacumshin* Embankment Act, 1854," and to extend the Time for the Completion of the Works authorized by that Act. 1993

cxxxvi. An Act for making and maintaining in and near to *Burton-upon-Trent* of Branch Railways from the *Midland* Railway, and the building of a new Bridge across the River *Trent* at *Burton-upon-Trent*, and the taking down and removing of "The Great Bridge at *Burton-upon-Trent*;" and for other Purposes. 1997

cxxxvii. An Act, to confer certain Powers upon "The Pneumatic Despatch Company (Limited)." 2017

cxxxviii. An Act to transfer the *Warrington and Stockport* Railway to certain Companies. 2029

cxxxix. An Act to extend the *Wells and Fakenham* Railway to and along *Wells* Quays, and for other Purposes. 2041

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to authorize the Exchange of certain detached Portions situate in the County of *Forfar* of the Entailed Estate of *Haulkertoun* for the Lands of *Balbithan* and *Wester Fintray* in the County of *Aberdeen*, to be entailed in lieu thereof; and for other Purposes. 3

2. An Act for authorizing the Trustees of the Settled Estates in *Wales* of Earl *Vane* and Countess *Vane* to raise Five thousand Pounds by Mortgage of the same Estates, and to become Shareholders to the Extent of such Sum in the *Newtown and Machynlleth* Railway Company, and to sell to the Company Part of the Settled Estates, in consideration of a yearly Rentcharge; and for other Purposes. 25

3. An Act for confirming and giving effect to an Agreement for a Lease by the *Westminster* Improvement Commissioners of Land in *Victoria Street* and *Dean Street* in the City of *Westminster* to *Alfred Lucette*, of which the Short Title is "*Lucette*'s Estate Act, 1859." 37

4. An Act for authorizing Leases of Parts of the Settled Estates, in the Parishes of *Huddersfield*, *Almondbury*, and *Kirkheaton* in the West Riding of the County of *York*, of Sir *John William Ramsden* Baronet, and of which the Short Title is "*Ramsden*'s Estate (Leasing) Act, 1859." 53

5. An Act for effecting a Partition of the Landed Estates of *Josiah Robins* deceased in and near to *Birmingham* and elsewhere, and for facilitating the Erection and Endowment of a Church thereon, and for authorizing the Application of Moneys subject to the Trusts of his Will towards the Expenses of making Bridges for the Benefit of Parts of his Estates; and for other Purposes. 201

PRIVATE ACTS,

NOT PRINTED.

6. An Act to dissolve the Marriage of *William Sandwith* Esquire with *Georgina Mary* his now Wife, and to enable him to marry again; and for other Purposes.

7. An Act to dissolve the Marriage of *James Edward Dickinson*, a Surgeon in the Honourable *East India* Company's Service in the *East Indies*, with *Henrietta Louisa* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1859.

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

VICESIMO SECUNDO & VICESIMO TERTIO.

At the Parliament begun and holden at *Westminster*, the Thirty-first Day of *May*, *Anno Domini* 1859, in the Twenty-second Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

Being the FIRST SESSION of the EIGHTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

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1859.

VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. I.

An Act to provide for the Authentication of certain Orders of the Privy Council in the Absence of the Clerk of the Council in Ordinary.

[21st *July* 1859.]

WHEREAS certain Orders of Her Majesty's Privy Council are by the Acts of Parliament which provide for the Issue thereof required to be certified or authenticated under the Hand of the Clerk in Ordinary of the said Council, and Delay and Inconvenience may arise in the event of such Clerk in Ordinary being prevented by Illness or otherwise from the Discharge of his Duty: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Person authorized by Her Majesty in Council to act in the Absence of the Clerk of the Council in Ordinary may sign

I. Whenever Her Majesty shall, with the Advice of Her Privy Council, make Provision for the Performance of the Duties of the Clerk of the said Council in Ordinary in the event of his Absence, any Person acting under the Authority of the Order in Council in this Behalf shall, in relation as well to the signing, certifying, and issuing of Orders of Her Majesty in Council, or of the Lords and others of Her Majesty's Privy Council, under any Acts of Parliament

as

Orders under Acts of Parliament, &c.

as to the other Duties of the Office, have and perform all the Powers and Functions and be in the Place of the Clerk of the said Council in Ordinary.

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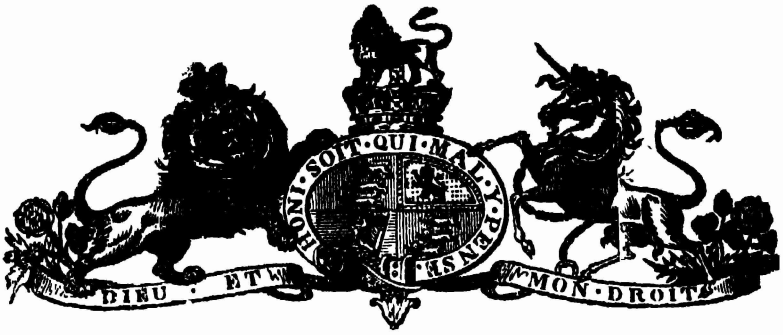

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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and *Ireland*, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 7,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Seven Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Moneys respectively contained therein.

Bank of England may advance 7,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Seven Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared by virtue of this Act to

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from

from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

be delivered to the Bank as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Moneys raised by Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Power to Justices of Middlesex to grant 300*l.* a Year out of the County Rates as an Addition to the Salary of the Assistant Judge.

I. It shall be lawful for the Justices of the County of *Middlesex*, if they so think fit, at any General or Quarter Session of the Peace to order to be paid out of the County Rates of such County to the Assistant Judge for the Time being, the yearly Sum of Three hundred Pounds in addition to the Salary of One thousand two hundred Pounds payable under the said Act, and such yearly Sum of Three hundred Pounds shall be paid out of such County Rates accordingly on the Days on which the said Salary of One thousand two hundred Pounds is payable out of the Consolidated Fund.

In such Case Assistant Judge not to practise as a Barrister.

II. In case such yearly Sum of Three hundred Pounds be so ordered to be paid, no such Assistant Judge during his Continuance in such Office shall practise as a Barrister.

In certain Cases Secretary of State may appoint a Person to act temporarily as Assistant Judge.

III. During any Vacancy in the Office of such Assistant Judge, or when and so often as such Assistant Judge for the Time being shall, by reason of mental or bodily Infirmity or of unavoidable Absence, or from other Cause, be unable to appoint a Deputy pursuant to the said Act, it shall be lawful for One of Her Majesty's Principal Secretaries of State, by Writing under his Hand, to appoint a Person, being a Serjeant or Barrister at Law of not less than Ten Years Standing, to act temporarily as or in the Place of such Assistant Judge until such Time as an Assistant Judge shall be appointed under the said Act, or until the Assistant Judge shall be able to resume his Duties, as the Case may require, and such Person so appointed under this Act shall have and exercise all such Powers and Privileges as are given by the said Act to such Assistant Judge, and shall be paid for his Services out of the County Rates of the said County any Sum not exceeding Five Guineas *per* Day whilst he shall sit and act as Assistant Judge.

All General Sessions of the Peace for Middlesex to have the Powers of Quarter Sessions.

IV. Every General Session of the Peace for the County of *Middlesex*, and every Adjournment thereof, shall have Power to try and determine all Appeals, and all other Powers which do now or shall hereafter belong to the General Quarter Sessions for the said County; and the said Justices may and are hereby authorized to hold such Sessions, or Adjournment thereof, at the Sessions House at *Clerkenwell*.

Court may remit Fines on Jurors imposed at a previous Session.

V. It shall be lawful for any Court of General or Quarter Session holden in and for the said County of *Middlesex* to spare or remit, if it shall be thought fit, any Fine imposed at a previous Session upon any Juror for Non-attendance or other Default.

— VI. So

VI. So soon as the present Assistant Judge shall cease to hold his Office as such Judge, the Tenth Section of the said Act shall be repealed so far as relates to the Salary of any future Assistant Judge.

Section 10. of recited Act repealed in part on next Vacancy.

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may sit in the House of Commons.

William the Fourth, shall not disqualify the Holder from being elected or sitting or voting as a Member of the House of Commons.

The Act 2 & 3 W. 4. c. 116. not to be affected by this Act.

II. Nothing contained in this Act shall affect any of the Provisions of the aforesaid Act of the Second and Third Years of King *William* the Fourth, for the Regulation of Diplomatic Pensions.

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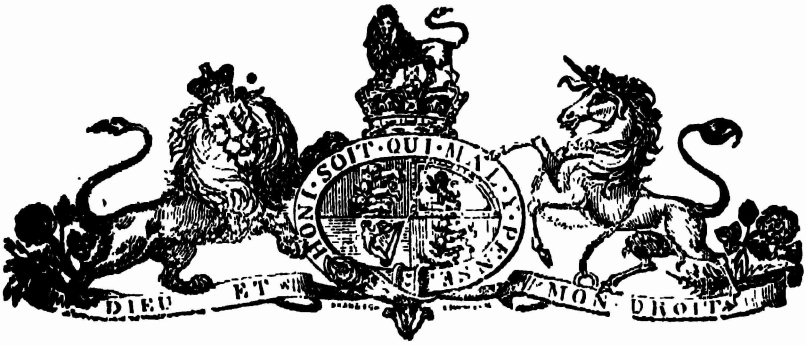

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. VI.

An Act to enable Serjeants, Barristers-at-Law, Attorneys, and Solicitors to practise in the High Court of Admiralty. [8th *August* 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:—

Serjeants, Barristers, Attorneys, and Solicitors to be at liberty to practise in the High Court of Admiralty.

I. All Serjeants and Barristers-at-Law, and all Attorneys-at-Law and Solicitors, shall, from and after the passing of this Act, be entitled to practise as Serjeants, Barristers, Attorneys, and Solicitors respectively in all Matters and Causes whatsoever in Her Majesty's High Court of Admiralty; and the said Serjeants and Barristers-at-Law shall and may have and exercise the same Rights and Privileges of practising, pleading, and audience in the said High Court of Admiralty as Advocates now have and enjoy in the said Court, and the said Attornies and Solicitors shall and may have and exercise the same Rights and Privileges of practising in the said High Court of Admiralty as Proctors now have and enjoy in the said Court; and all Persons who at the Time of the passing of this Act shall have been

 admitted

admitted Advocates in any of the Ecclesiastical Courts or in the said High Court of Admiralty, and the said Serjeants and Barristers-at-Law, shall have respectively the same Rank and Precedence in the said High Court of Admiralty which they now have before the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order: Provided always, that all Attorneys-at-Law and Solicitors practising in the said Court of Admiralty shall be subject to the Authority of the Judge of the said Court, in like Manner as Attorneys in the Court of Queen's Bench are subject to the Authority of that Court.

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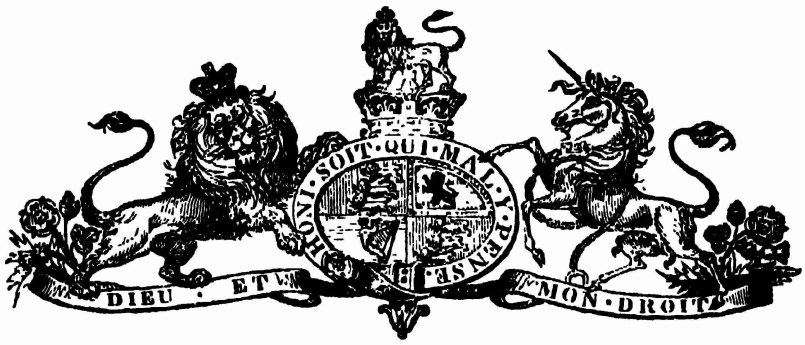

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. VII.

An Act to amend an Act of the Seventeenth and Eighteenth Years of Her Majesty, for allowing Verdicts on Trials by Jury in Civil Causes in *Scotland* to be received, although the Jury may not be unanimous. [8th *August* 1859.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled *An Act to allow Verdicts on Trials by Jury in Civil Causes in* Scotland *to be returned, although the Jury may not be unanimous*, it was enacted, that if upon the Trial by Jury of any Civil Cause in the Court of Session in *Scotland* the Jury are unable to agree upon a Verdict, and if after having been kept in deliberation for a Period of Six Hours, Nine of the said Jury shall agree, the Verdict agreed to by such Nine may be returned as the Verdict of such Jury, and shall be taken and shall have the same Force and Effect as if found unanimously by the whole of the said Jury: And whereas it is expedient that the said Act be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 17 & 18 Vict. c. 59.

If after Three Hours Deliberation Nine of the Jury agree, a Verdict may be returned.

I. If after having been kept in deliberation for a Period of Three Hours, Nine or more of the Jury on any such Trial as in the said recited Act mentioned shall agree upon a Verdict, the Verdict agreed to by such Nine or more may then be returned, and shall be taken as the Verdict of the Jury, in like Manner and to the like Effect as is provided by the said recited Act in regard to the Verdicts thereby allowed to be returned after the Jury have been kept in deliberation for a Period of Six Hours.

Jury may be discharged without a Verdict after Six Hours Deliberation.

II. When in any such Trial Nine of the Jury shall not have agreed on a Verdict after such Jury has been kept in deliberation for a Period of Six Hours, it shall be lawful for the Court or Judge, if such Court or Judge see fit, to discharge such Jury without their having given in a Verdict, in like Manner as a Jury might, prior to the passing of this Act, have been discharged without giving in a Verdict after having been kept in deliberation for a Period of Twelve Hours.

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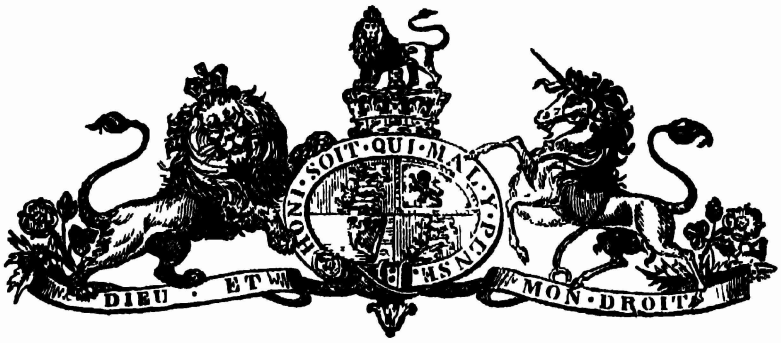

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Owners and Proof of Error.

Ordnance Map, so far as the same can be shown by any ancient Deed, Instrument, Document, or Writing, to make such Alteration therein as the Circumstances of the Case shall require; provided that Application be made to him for such Alteration by the Owner or Owners, or reputed Owner or Owners of such Land, stating therein the Grounds on which such Application is made, and the Name of the Lands which it is proposed by such Owner or Owners to substitute for the Name of such Lands so entered on such Ordnance Map.

Boundary Surveyor may define Boundaries of Parishes divided under 7 & 8 G. 4. c. 43., 3 & 4 W. 4. c. 37., and 11 & 12 Vict. c. 41.

II. Such Boundary Surveyor may define and mark out the Boundaries of any Parish which shall have been divided under the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, Chapter Forty-three, or of an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, or of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Forty-one, and of any adjoining Parish to which any Lands separated from such first-mentioned Parish shall have been united.

Recited Act and this Act to be One Act, and be subject to 17 Vict. c. 17.

III. The said recited Act and this Act shall be read together as One Act, and all such Alterations of Boundaries or Names of Land hereby authorized to be made, shall be subject to the Provisions of an Act passed in the Seventeenth Year of the Reign of Her Majesty, Chapter Seventeen, with respect to the Order or Orders of the Lord Lieutenant and Privy Council.

The Publication in Dublin Gazette of the detailed Report of Boundary Surveyor to be discontinued.

IV. And whereas the Publication in the *Dublin Gazette* of the detailed Report of the Boundary Surveyor, referred to in the Order of the Lord Lieutenant in Council, is unnecessary and expensive: Be it enacted, That it shall be sufficient for the Purposes of this Act and the several Acts herein-before mentioned that the Order only of the Lord Lieutenant in Council, made in respect of the detailed Report and Ordnance Plans submitted by the Boundary Surveyor, shall be published in the *Dublin Gazette*, but every such Order in Council shall contain a Clause that the said Order, and the Report in detail and the Ordnance Plans submitted by the Boundary Surveyor, shall remain on Record in the Council Office, and shall be exhibited to any Person or Persons who may desire to inspect the same, without Fee or Reward; and a Copy of the said Order in Council, with Copies of the Report and Ordnance Plans certified under the Hand of the Clerk of the Council, shall be transmitted to the Clerk of the Peace for each County to which such Order shall in any way relate, to be by him kept and preserved in

Copy of Order in Council and of Report, &c. to be transmitted to Clerk of

in his Office, and exhibited at all reasonable Hours to any Person or Persons who may desire to inspect the same, without Fee or Reward.

Peace and exhibited without Fee or Reward.

V. This Act shall extend to *Ireland* only.

Act to extend to Ireland only.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. IX.

An Act to provide for the Exercise of the Duties of Chief Superintendent in *China* in certain Cases. [8th *August* 1859.]

WHEREAS by an Act passed in the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety-three, "to regulate the Trade to *China* "and *India*," Provision was made for the Appointment of Three Superintendents of the Trade of His Majesty's Subjects to and from the Dominions of the Emperor of *China* (One of whom should be styled the Chief Superintendent): And whereas by an Act passed in the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Eighty, "for the better Government of Her Majesty's "Subjects resorting to *China*," after an Enactment providing for the vesting of certain Powers in the said Chief Superintendent so long as he should be also Governor of the Island of *Hong Kong*, it was enacted, that it should be lawful for Her Majesty, by any Commission or Warrant under Her Royal Sign Manual, to make such Provision as to Her Majesty might seem fit for the temporary Exercise of the Duties of the said Chief Superintendent, in the event of a Vacancy occurring in that Office by Death, Resignation, or otherwise:

3 & 4 W. 4. c. 93.

6 & 7 Vict. c. 80. s. 2.

And

Chief Superintendent, China.

And whereas it is expedient that Provision should be made for the Exercise of the Duties of the said Chief Superintendent as well during the Absence of the Person holding that Office as during a Vacancy: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

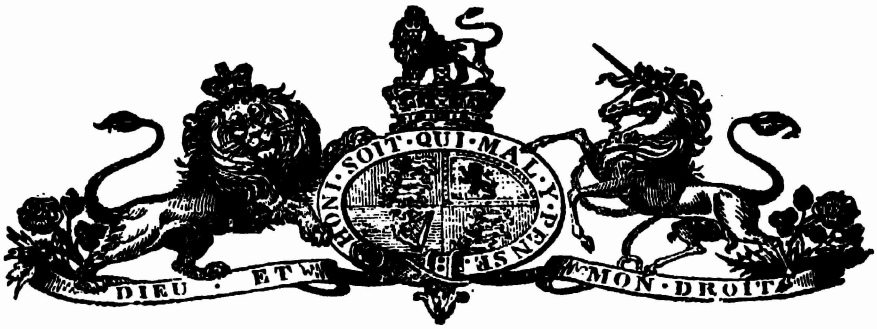
Provision for Discharge of Duties of Chief Superintendent during a Vacancy of the Office, or during Absence.

I. It shall be lawful for Her Majesty, by any Commission or Warrant under Her Royal Sign Manual, to direct and appoint that in the event of a Vacancy occurring in the said Office of Chief Superintendent, by Death, Resignation, or otherwise, or in the event of the Absence of the Chief Superintendent from *China*, from any Cause whatever, the Person who shall be acting as Her Majesty's Chargé d'Affaires in *China* shall in any such Case as aforesaid assume and hold the Office of Chief Superintendent, and exercise all the Powers and Duties thereof, during such Vacancy or Absence, or to make by such Warrant or Commission such further or other Provision as to Her Majesty may seem fit for the Exercise of the Duties of the said Chief Superintendent during such Vacancy or Absence.

Act to apply whether the Superintendent is or is not Governor of Hong Kong.

II. This Act shall apply as well to the Cases in which the Chief Superintendent is not appointed Governor of *Hong Kong* as to the Cases in which he is also appointed such Governor.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1859.



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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in such Manner as to the said Legislature may seem fit, in the Manner and subject to the Conditions by that Act provided, and for the Purpose aforesaid to vary and repeal, in such Manner as to them may seem fit, all or any of the Provisions of the first-recited Act, and of any other Act of Parliament now in force which relate to the Constitution of the Legislative Council of *Canada*; and it was thereby further enacted, that the Speaker of the Legislative Council should, as theretofore, be appointed by the Governor: And whereas the said Legislature, in pursuance of the Powers conferred on them by the said last-recited Act, have, by an Act of the Province of *Canada* passed in the Session of the said Legislature holden in the Nineteenth and Twentieth Years of Her Majesty, "to change the Constitution of the Legislative Council by rendering the same elective," provided for the Election of Members of the said Council, and for the gradual Substitution of elective for appointed Members thereof: And whereas Doubts have been entertained whether it is lawful for the Legislature of *Canada*, under the Powers given to them by the said last-recited Act of Parliament, to provide for the Appointment or Election of a Speaker of the Legislative Council, and it is expedient that such Doubts should be removed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Legislature of Canada is declared to have Power to make Laws touching the Appointment or Election of a Speaker of the Legislative Council.

1. It shall be lawful for the Legislature of *Canada*, by any Act or Acts passed in the Manner and subject to the Conditions specified in the said last-recited Act of Parliament, to alter the Constitution of the Legislative Council of the said Province, by providing for the Appointment or Election of a Speaker of the said Council; and for this Purpose to vary and repeal, in such Manner as to them may seem fit, so much of the herein-before recited Sections of the said Acts of Parliament, and of the Provisions of the said recited or any other Acts of Parliament, as relates to the Appointment of such Speaker.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1859.

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XI.

An Act to confirm certain Provisional Orders under the Local Government Act (1858).

[8th *August* 1859.]

WHEREAS the Secretary of State for the Home Department, being One of Her Majesty's Principal Secretaries of State, has, under the Provisions of the Local Government Act, 1858, duly made certain Provisional Orders in the Schedule to this Act annexed, and it is provided by the aforesaid Local Government Act that no such Orders shall be of any Validity whatever until they shall have been confirmed by Parliament, and it is expedient that the said Orders should be so confirmed, and further Provision made in relation thereto: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders in Schedule confirmed.

I. The Provisional Orders contained in the Schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding, and of the like Force and Effect, as if the Provisions of the same had been expressly enacted in this Act: Provided

vided always, that nothing in the Provisional Order for the Borough of *Wigan*, numbered 3. in the Schedule to this Act annexed, or in this Act, shall be deemed to give any Powers for the compulsory Purchase of Land beyond the Boundary of the said Borough.

Alteration of Boundary of Leamington District.

II. And whereas the Consent of the *Warwick* Local Board of Health has been duly given, as required by the Local Government Act, 1858, to the Addition to the District of *Leamington* as constituted under the Public Health Act, 1848, of so much of the Piece of Land described in the *Leamington* Provisional Order in the Schedule to this Act annexed as lies in the District of the said *Warwick* Local Board, and there are no Ratepayers of the Parish of *Milverton* residing on so much of the said Piece of Land in such Order described as lies within the said Parish to give Consent to the aforesaid Order: Be it therefore enacted, That the Boundaries of the District of the Local Board of Health for *Leamington* aforesaid shall, from and after the passing of this Act, be altered as is in the said Provisional Order described.

Election of Local Board for Leamington.

III. The annual Election of Members of the Local Board for the District of *Leamington* shall take place on the First Day of *November*, and the One Third of the Members of the said Local Board who, under the Provisions of the Public Health Act, 1848, and the Public Health Supplemental Act, 1852, (No. 2.,) would have to retire from the Board on the Eighteenth Day of *August* One thousand eight hundred and fifty-nine, shall hold Office till the First Day of *November* One thousand eight hundred and fifty-nine, as if their original Election had taken place on the First Day of *November* One thousand eight hundred and fifty-six; the One Third who, under the said Provisions, would have to retire from the said Board on the Eighteenth Day of *August* One thousand eight hundred and sixty, shall hold Office till the First Day of *November* One thousand eight hundred and sixty; and the One Third who, under the said Provisions, would have to retire from the said Board on the Eighteenth Day of *August* One thousand eight hundred and sixty-one, shall hold Office till the First Day of *November* One thousand eight hundred and sixty-one.

Act incorporated with 21 & 22 Vict. c. 98.

IV. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were One Act.

Short Title.

V. In citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Local Government "Supplemental Act, 1859, (No. 2.)"

SCHE-

SCHEDULE referred to in the preceding Act.

1. LEAMINGTON Provisional Order. (Altering the Boundaries of the Leamington District.)
2. TEIGNMOUTH Provisional Order. (Repealing and altering Parts of a Local Act in force within the Teignmouth District.)
3. WIGAN Provisional Order. (Repealing and altering Parts of a Local Act in force within the Wigan District.)
4. WIGAN Provisional Order. (Extending the Borrowing Powers of the Wigan Local Board of Health.)
5. BATTLE Provisional Order. (Extending the Borrowing Powers of the Battle Local Board of Health.)
6. KNIGHTON Provisional Order. (Extending the Borrowing Powers of the Knighton Local Board of Health.)
7. CARDIFF Provisional Order. (Putting in force the Lands Clauses Consolidation Act, 1845, within the District of the Cardiff Local Board of Health, for the Purchase of Lands for Improvements.)
8. DERBY Provisional Order. (Repealing an Exemption from Rating under a Local Act in force within the District of the Derby Local Board of Health.)

1. LEAMINGTON.

Provisional Order for altering the Boundaries of the District of Leamington in the County of Warwick, and the Day of Election of the Local Board of the said District.—Local Government Act, 1858.

Whereas the Local Board of Health for the District of Leamington in the County of Warwick, to which District the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Fifteenth Day of June 1852, confirmed by the Public Health Supplemental Act, 1852, (No. 2.,) have, under the provisions of the 77th Section of the Local Government Act, 1858, presented a Petition to one of Her Majesty's Principal Secretaries of State, bearing date the Seventh of December 1858, and praying for an alteration of the boundaries of their District by adding to such District a piece of land situate partly within the District of the Warwick Local Board of Health and partly within the neighbouring Parish of Milverton, the piece of land aforesaid

aforesaid being shown and bounded by a red line upon the Plan accompanying the said Petition, and also a Petition praying for an alteration in the day of the election of the said Local Board as fixed by the said Public Health Supplemental Act, 1852, (No. 2.)

And whereas, after Inquiry into such Petitions, it appears to me expedient that the prayer of such Petitions should be granted, but the same cannot be done without the authority of Parliament.

Now, therefore, I, as one of Her Majesty's Principal Secretaries of State, do hereby, in exercise of the power vested in me by the Local Government Act, 1858, direct under my Hand:—

That, from and after the passing of any Act of Parliament confirming this Order—

1.—The Boundaries of the District of the Leamington Local Board of Health shall be altered, by including therein the piece of land herein-before mentioned, and which is partly situate in the Borough and District of the Warwick Local Board of Health, and partly within the Parish of Milverton, and which piece of land is shown by a red line marking its boundaries on the Plan accompanying the aforesaid Petition of the Leamington Local Board of Health; and that so much of that piece of land as is now included within the boundaries of the Warwick Local Board of Health District shall no longer form part and parcel of such District of Warwick.

2.—The present Local Board of Health for the time being for the District of Leamington shall, from and after the passing of the Act of Parliament confirming this Order, be the Local Board of Health for the District constituted by this Order and the Act of Parliament confirming the same.

3.—At every future election of members of the said Local Board, the members to be elected shall be elected for the whole of the District as constituted by this Order, and by the votes of owners of and ratepayers in respect of property situate within the District so constituted; and any person residing therein, or within seven miles thereof, may be elected a member of said Local Board; but the number and qualification of such members shall remain as fixed by the herein-before recited Provisional Order, bearing date the Fifteenth of June, 1852.

4.—The annual election of members of the said Local Board shall take place at the time prescribed in the Act confirming this order.

Given under my Hand this First day of April 1859.

(Signed) T. SOTHERON-ESTCOURT.

2. TEIGNMOUTH.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Teignmouth Local Board, and providing for the future execution thereof.—Local Government Act, 1858, *Sec.* 77.

Whereas the Commissioners acting in execution of a certain Local Act, passed in the sixth year of the reign of King William the Fourth, intituled "An

Local Government Supplemental.

"An Act for better paving, lighting, watching, and improving the Town of "Teignmouth, in the County of Devon, and for supplying the inhabitants "thereof with water," have duly adopted the Local Government Act, 1858, in and for the districts comprised within the operation of the said Local Act.

And whereas the said Commissioners, acting as a Local Board under and for the purposes of the said last herein-before mentioned Act, have, in pursuance of the said Act, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the said Local Act, being an Act in force within the said District having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit.

And whereas, after due inquiry into the said petition, it appears to me expedient to issue a Provisional Order in relation to the said matter, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as Her Majesty's Principal Secretary of State for the Home Department, do, by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The parts of the said Local Act specified in the Schedule hereunto annexed shall be repealed.

2.—The satisfaction and compensation directed to be made in the 36th, 41st, and 42nd sections of the said Local Act, may be ascertained as directed in the Lands Clauses Consolidation Act, 1845.

3.—The existing Commissioners acting in execution of the said Local Act shall continue so to act, and shall be the Local Board for the execution of the Local Government Act, 1858, for such period as they would respectively have continued in office as such Commissioners, if the said Local Act had not been hereby repealed or altered.

4.—The day of election of the said Local Board shall continue to be the first Tuesday of the month of September in each year.

5.—The election to vacancies arising in the said Local Board by the retirement in rotation of the said Commissioners, according to the said Local Act or otherwise, as regards both the electors and the candidates for election, shall be regulated in all respects by the provisions of the said Local Government Act and the Public Health Act, 1848; and the said Local Government Act and Public Health Act shall from and after the passing of any Act of Parliament confirming this Order, be the sole Acts in force in the said District with regard to the election and qualification of the said Local Board.

6.—The repeal or alteration of the sections of the said Local Act, under this Order, shall not extend to any matters or things not provided for in the Local Government Act, 1858, the Public Health Act, 1848, or any of the other Acts incorporated with the said Local Government Act; nor to invalidate or affect any past acts, contracts, or transactions of the said Commissioners under the said Local Act, or

any acts, contracts, or transactions which have been authorized or directed by the said Commissioners; or any rates or rentals already made or allowed by, or now due to the said Commissioners, or which may become due previous to the passing of any Act of Parliament confirming this Order.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

Schedule to which this Order refers.

The parts of the Local Act referred to in this Order to be repealed are as follows; that is to say,

The sections numbered respectively in the copies of the said Act printed by the King's Printers, 3 to 17, both inclusive; 20, 21; 23 to 30, both inclusive; 37 to 39, both inclusive; 56; 59 to 62, both inclusive; 77 to 84, both inclusive; 87 to 90, both inclusive; 93 to 95, both inclusive; 103 to 106, both inclusive; 110; 111, except as to beating carpets on the Den; 112, 113; 115 to 122, both inclusive; 129; 131 to 181, both inclusive; 183 to 198, both inclusive; 200, 201, and 202.

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3. WIGAN.

Provisional Order repealing and altering Parts of a Local Act in force within the District of the Wigan Local Board of Health.—Local Government Act, 1858, *Sec.* 77.

Whereas the Local Board of Health for the District of Wigan in the County Palatine of Lancaster have, in pursuance of the 77th section of the Local Government Act, 1858, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the alteration and partial repeal of the "Wigan Waterworks Act, 1853," being an Act in force within the said district, having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit.

And whereas since the passing of the "Wigan Waterworks Act, 1853," it has been found necessary and expedient to deviate from the plans and sections referred to in the section numbered 9 in the copies of the said Act printed by Her Majesty's Printers, in executing the works thereby authorized in the manner and to the extent defined upon the plans and sections marked A, and signed by the Right Honourable Sir George Cornewall Lewis, Baronet, as one of Her Majesty's Principal Secretaries of State, and which said plans and sections have been deposited with the Clerk of the Peace for the County Palatine of Lancaster.

And whereas, after due inquiry into the said Petition, it appears to me expedient to issue a Provisional Order in relation to the said matter, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as one of Her Majesty's Principal Secretaries of State,

State, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

1.—The said Local Board shall be allowed to adopt, substitute, and use, in lieu of the plans and sections described in the said 9th section of the said Act, the said plans and sections marked A, and so signed by the Right Honourable Sir George Cornewall Lewis, Baronet, as one of Her Majesty's Principal Secretaries of State, and which have been so deposited as aforesaid; and all the powers and provisions of the "Wigan Waterworks Act, 1853," shall be read and construed to apply to such last-mentioned plans and sections so signed as fully and effectually as if the same had been mentioned in the said "Wigan Waterworks Act, 1853," at the time of the passing thereof, except so far as such provisions are inapplicable to such last-mentioned plans and sections.

2.—So much of the Section numbered 18 in the copies of the said Act printed by Her Majesty's Printers, as provides,—That when, and as soon as, and from time to time, and as often as the said Earl, his heirs and assigns (meaning the Earl of Crawford and Balcarres), or other the owner or owners for the time being of the said mines (meaning the mines referred to in the 16th section of the said Act), or any of them, shall in working or in preparing to work the said mines, or any of them, have made or driven any levels, drifts, or other workings in any stratum at a depth not greater than one hundred yards below the surface of the site of the said reservoir (meaning the reservoir referred to in the 17th section of the said Act), or in any stratum at any depth whatever below the surface of the site of the said tunnel (meaning the tunnel referred to in the said 17th section of the said Act) to or within a distance of thirty yards of a perpendicular line downwards from any side or part of the said sites respectively, the said Local Board of Health shall from time to time, within twenty-one days after being required so to do by the said Earl, his heirs or assigns, or other the said owner or owners for the time being of the said mines by notice in writing under his or their hands respectively, such notice being served on the Clerk of the said Local Board, or left at the office of the said Local Board, make compensation and pay to the said Earl, his heirs or assigns, or other the said owner or owners, for so much of the said coal, cannel, and other minerals of the said mines, lying not deeper than one hundred yards from the surface under the site of the said reservoir, and under all lands within an area of thirty yards all round the same site, and make compensation and pay to the said Earl, his heirs or assigns, or other the said owner or owners for the time being, for all the coal, cannel, and other minerals, at whatever depth under the site of the said tunnel, and under all lands within an area of thirty yards all round the same site; and that such payments and compensations respectively shall, as to each successive stratum of coal and cannel, and other minerals, be ascertained and recovered when and so soon as each of such strata shall be so, as aforesaid, driven into or worked within the said distance of thirty yards of a perpendicular line downwards from any side or part of the

the sites of the said tunnel and reservoir respectively; and such payments and compensations respectively shall from time to time be so ascertained and recovered in manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to compensation for lands taken, or injuriously affected, shall be repealed in so far as relates to the purchase of the said mines lying to the north of the embankment of the reservoir about to be constructed by the said Local Board, according to the plans and sections referred to in the last preceding section of this Order; and the said Earl, his heirs and assigns, and the said Local Board, may enter into such contracts and agreements as shall be necessary for the protection of the estates and mines of the said Earl, his heirs and assigns, and for carrying into effect the several works of the said Local Board.

3.—So much of the Section numbered 26 in the copies of the said Act so printed as aforesaid as provides that the Local Board shall make and construct, and for ever afterwards maintain in good order, repair, and condition, a good and substantial bridge, with suitable approaches, for the purpose of forming a communication between the lands of Richard Clayton Browne Clayton, in the said Act referred to, which will be severed by the reservoir and other works by this Act authorized, across the reservoir proposed to be made within the lands of the said Richard Clayton Browne Clayton, at some convenient point near where the road, number 30, in the township of Worthington, crosses the Seven Stars Brook, to be selected by the said Richard Clayton Browne Clayton, his heirs or assigns, or other the person or persons for the time being entitled in possession to Adlington Park, and that such bridge shall be of handsome and ornamental design and construction, and such as to be suitable for a carriage approach to Adlington Hall, shall be repealed.

4.—The time given to the said Local Board by the said Act for the completion of the works authorized and required under the said Act, shall be extended to the expiration of five years from the date of the passing of the Act of Parliament confirming this Order.

Given under my hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

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4. WIGAN. (Borrowing Powers.)

Provisional Order for extending the Borrowing Powers of the Wigan Local Board of Health.—Local Government Act, 1858.

Whereas by a Provisional Order of the General Board of Health, bearing date the Tenth day of June 1850, confirmed by the Public Health Supplemental Act, 1850, (No. 2,) the Public Health Act, 1848, was duly applied to the Borough of Wigan, in the County of Lancaster, and the said Borough was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under the said Public Health Act, and under a Local Act passed in the Seventeenth Year

Year of the Reign of Her present Majesty, and intituled "An Act for supplying the Borough of Wigan in the County Palatine of Lancaster with "Water, for the better Regulation of the Police therein, and for other "Purposes," and with the authority of the General Board of Health, sums amounting in the whole to One hundred and sixteen thousand six hundred and twelve Pounds Five Shillings and Three Pence, to defray the expense of a portion of the works for sewering, and supplying water to, the said District, which said sums are not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petitioning one of Her Majesty's Principal Secretaries of State, for power to re-borrow the said amount, and also to borrow the further sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Nine Pence, or so much thereof as may be required to complete the said works, such further sum, together with the amount to be so re-borrowed, not exceeding in the whole two years' assessable value of the premises assessable to the said Acts within the said district, and to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry into the allegations of the said petitioners, and report thereon by Henry Austin, Esquire, the Inspector appointed for the purpose of such inquiry and report, it appears expedient that the prayer of the said Petitioners should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State by the said Local Government Act, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

The Local Board of Health for the District of Wigan, in the County of Lancaster, shall have power and authority, for the purposes aforesaid, and on mortgage of the rates leviable by them under the Local Government Act, 1858, to borrow, and from time to time during the said term of fifty years to re-borrow, the said sum of One hundred and sixteen thousand six hundred and twelve Pounds Five Shillings and Threepence, and to borrow, and from time to time during the said term of fifty years to re-borrow, the further sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Ninepence, which sums together make up the amount of two years' assessable value of premises assessable under the said Act in the said district; but no part of the said last-mentioned sum of Twenty-five thousand five hundred and twenty-four Pounds Fourteen Shillings and Nine Pence shall be borrowed without the sanction of one of Her Majesty's Principal Secretaries of State. And the whole of the said sum shall be repaid, with interest thereon, within a period of fifty years from the date of the re-borrowing or borrowing thereof respectively.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. Lewis.

5.—BATTLE.

Provisional Order for extending the Borrowing Powers of the Battle Local Board of Health.—Local Government Act, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Fifth day of May 1851, the Public Health Act, 1848, was duly applied to the Parish of Battle, in the County of Sussex, and the said Parish was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under that Act, and with the authority of the General Board of Health, sums amounting in the whole to Two thousand four hundred Pounds, to defray the expense of a portion of the works for sewering, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within the part of the District which the said works were intended to benefit, but were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petition one of Her Majesty's Principal Secretaries of State, for power to borrow a further sum or sums, not exceeding in the whole Three thousand seven hundred Pounds, in order to enable such Local Board to pay off their existing debt of Two thousand four hundred Pounds and outstanding claims, and also to defray the cost of completing the works for sewering, and supplying water to, their District; and whereas such further sum or sums will not exceed two years' assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by Henry Austin, Esquire, the Inspector appointed for the purpose, and after the assent by the ratepayers of the aforesaid District in public meeting assembled, it appears expedient that the prayer of such petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power vested in me, as one of Her Majesty's Principal Secretaries of State, by the said Local Government Act, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

The Local Board of Health for the District of Battle, in the County of Sussex, shall have power and authority to borrow, for the purposes aforesaid, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole Three thousand seven hundred Pounds, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. Lewis.

6.—Knighton.

6. KNIGHTON.

Provisional Order for extending the Borrowing Powers of the Knighton Local Board of Health.—Local Government Act, 1858.

Whereas, by an Order of Her most Gracious Majesty in Council, bearing date the Thirtieth day of January 1850, the Public Health Act, 1848, was duly applied to the Borough of Knighton, in the County of Radnor, and the said Borough was thereby constituted a District under that Act.

And whereas the Local Board of the said District have borrowed under that Act, and with the authority of the General Board of Health, sums amounting in the whole to Two thousand seven hundred and eighty Pounds, to defray the expense of a portion of the works for sewering, and supplying water to, the said District, which said sums at the time the borrowing of them was sanctioned equalled the assessable value for one year of the premises assessable under that Act within such District, but were not sufficient to defray the cost of completing the works for the purposes aforesaid.

And whereas the said Local Board have, under the authority of the 78th Section of the Local Government Act, 1858, petitioned the Right Honourable Spencer Horatio Walpole, at the date of the said petition one of Her Majesty's Principal Secretaries of State, for power to borrow a further sum or sums, not exceeding in the whole Three thousand nine hundred and forty-nine Pounds Four Shillings and Fivepence, in order to enable such Local Board to pay off their existing debt, and also to defray the cost of completing the works for sewering, and supplying water to, their District; and whereas such further sum or sums will not exceed two years' assessable value of the premises assessable within such District; and whereas the said further sum or sums are proposed to be repaid within a period of fifty years from the date of the borrowing thereof.

And whereas, after due inquiry and report by William Ranger, Esquire, the Inspector appointed for the purpose, and after the assent by the ratepayers of the aforesaid District in public meeting assembled, it appears expedient that the prayer of such Petition should be granted; but the same cannot be done without the consent of Parliament.

Now, therefore, in pursuance of the power now vested in me, as one of Her Majesty's Principal Secretaries of State, I do hereby, by this Provisional Order under my Hand, direct as follows:—

That from and after the passing of any Act of Parliament confirming this present Order—

THE Local Board of Health for the District of Knighton, in the County of Radnor, shall have power and authority to borrow, for the execution and completion of works of sewerage and water supply within such District, on mortgage of the rates leviable by them under the Local Government Act, 1858, an amount not exceeding in the whole Four thousand Pounds, to be repaid, with interest thereon, within a period of fifty years from the date of the borrowing thereof.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. LEWIS.

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7. CARDIFF.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Cardiff Local Board of Health, in the County of Glamorgan, for the Purchase of Lands by the said Board for Improvements.—Local Government Act,* 1858.

Whereas the Local Board of Health in and for the District of Cardiff, in the County of Glamorgan, to which the Public Health Act, 1848, was duly applied by a Provisional Order of the General Board of Health, confirmed by the Public Health Supplemental Act, 1850 (No. 3), have, in pursuance of the Provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a Petition, under the Seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase certain pieces of land and certain buildings for the improvement of High Street, Smith Street, Queen Street, and Frederick Street, all situate within the District of the said Local Board.

And whereas the said Petition duly set forth in the Schedules annexed thereto the several pieces of land and the several buildings intended to be taken by such Board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking of such pieces of land and buildings, or who have returned no answer to the notice issued by such Board; and such Petition prayed that the said Board might, with reference to such land and buildings, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such Petition, Her Majesty's Principal Secretary of State for the Home Department directed William Ranger, Esq., the Inspector appointed for the purpose, to visit the said district of Cardiff, and the said Inspector has now inquired in the district aforesaid into the subject matter of such Petition, and has duly reported thereon.

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make Order and direct—

That, from and after the passing of any Act of Parliament confirming this Order, the Local Board of Health for the District of Cardiff, in the County of Glamorgan, shall be empowered to put in force, with reference to the land referred to and described in the Schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement.

Given under my hand, this 19th day of July 1859.

(Signed) G. C. Lewis.

SCHEDULE

SCHEDULE referred to in the preceding Order.

THE Pieces of Land and the Buildings proposed to be taken, as described in the foregoing Order, are the following; the figures referring to the figures on the Plan mentioned in the Petition of the Local Board of Health herein-before mentioned:—

No. on Plan.	Lands proposed to be taken.	Owner, Lessee, and Occupier.
1 & 1*a*	Land and Buildings thereon in High Street, Cardiff.	William Tell Wheeler. Elizabeth Evans William Aubrey Eliza Richards Ann Kelly Jane Richards William Richards } Joint Owners.
1	- - - -	Wm. Tell Wheeler (Occupier).
1*a*	- - - -	Mary Ann Thomas (Occupier).
2	The same - -	Lord Dynevor (Owner). Wm. Henry Morgan (Lessee). Philip Jones (Occupier).
3	The same - - -	John Homfray John Richards Homfray } Joint Owners. Hannah Ward (Lessee). John Willett (Occupier).
4 & 5	Land and Buildings thereon in Queen Street and Smith Street, Cardiff.	Samuel Rees Lloyd (Owner). Baptiste Pedrazzini (Occupier).
6	The same - - -	Samuel Rees Lloyd (Owner). Henry Thomas (Occupier).
7, 8 & 9	The same - - -	John Stuart Corbett James Evans Richard Evans } Joint Owners.
7	- - - -	Mary Grey (Occupier).
8	- - - -	Thomas Fry (Do.)
9	- - - -	William Lewis (Do.)
10 & 11	The same - -	John Homfray John Richards Homfray } Joint Owners.
10	- - - -	Joseph Fisher (Occupier).
11	- - - -	John Stainton (Do.)
12, 13, & 14.	Land and Buildings thereon situate on the west side of Frederick Street, and fronting Bridge Street, Cardiff.	William Vachell (Owner).
12	- - - -	David James and Charles Ridd } Lessees.
13 & 14	- - - -	Charles Ridd (Lessee).
12 & 13	- - - -	David James (Occupier).
14	- - - -	Samuel Williams (Occupier).

8.—DERBY.

Provisional Order repealing an Exemption from Rating under a Local Act in force within the District of the Derby Local Board of Health.—Local Government Act, 1858, *Sec.* 77.

Whereas, the Local Board of Health in and for the District of Derby, in the County of Derby, to which the Public Health Act, 1848, was duly applied by Provisional Order bearing date the Twenty-third day of May 1850, and confirmed by the Public Health Supplemental Act, 1850, have, in pursuance of the Local Government Act, 1858, presented a Petition to me, as one of Her Majesty's Principal Secretaries of State, praying for the repeal of an Exemption from Rating made by a certain Local Act of Parliament in force within the said District having relation to the purposes of the said Local Government Act, and not conferring powers or privileges upon any corporation, company, undertakers, or individuals for their own pecuniary benefit, that is to say, an Act passed in the Sixth year of the reign of King George the Fourth, intituled "An Act for better paving and otherwise improving the Borough of "Derby."

And whereas, in pursuance of the said Local Government Act, inquiry has been directed and made in the said District in respect of the matters mentioned in the said Petition.

And whereas it appears to me expedient to issue a Provisional Order in relation to the said matters, but no such Order can be valid without confirmation by Parliament.

Now, therefore, in pursuance of the powers vested in me by the said Local Government Act, I, as Her Majesty's Principal Secretary of State for the Home Department, do, by this Provisional Order, under my hand, direct that from and after the passing of any Act of Parliament confirming this Order—

So much of the section numbered 103 in the copies of the said Local Act, printed by the King's printer, as exempts from any of the rates or assessments made by virtue of the said Local Act, all lands or grounds used solely for husbandry and agricultural purposes, and houses of which the annual value, to be ascertained as in the said Act directed, shall not exceed five pounds, shall be repealed; but such repeal shall not extend and apply to houses and buildings occupied exclusively for the purposes of public charity.

Given under my Hand this 19th day of July 1859.

(Signed) G. C. Lewis.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1859.

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XII.

An Act to repeal, as regards the Colony of *Victoria*, and to enable other Colonial Legislatures to repeal, certain Provisions of the Imperial Acts of the Fifty-fourth Year of *George* the Third, Chapter Fifteen, and of the Fifth and Sixth Years of *William* the Fourth, Chapter Sixty-two.

[8th *August* 1859.]

WHEREAS by the First, Second, and Third Sections of an Act passed in the Fifty-fourth Year of His late Majesty King *George* the Third, intituled *An Act for the more easy Recovery of Debts in Her Majesty's Colonies of* New South Wales, Provision was made for the Proof, by Affidavit, Affirmation, or otherwise, of certain Matters requiring to be proved before any Courts of Law or Equity in *New South Wales* or its Dependencies, and for the Punishment of Persons guilty of making such Affidavits or Affirmations falsely: And whereas by the Fifteenth and Seventeenth Sections of an Act passed in the Session of Parliament held in the Fifth and Sixth Years of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session* 54 G. 3. c. 15. 5 & 6 W. 4. c. 62.

Session of Parliament, intituled "An Act for the effectual Abolition "of Oaths and Affirmations taken and made in various Departments "of the State, and to substitute Declarations in lieu thereof," and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits, and to make other Provisions for the Abolition of unnecessary Oaths, Provision was made for the Proof by solemn Declaration or otherwise of certain Matters or Things requiring to be proved before any Court of Law or Equity in Her Majesty's Possessions abroad: And whereas it is expedient that the Provisions above recited should be repealed as regards the Colony of *Victoria*, and that as well the said Provisions as the Fourth Section of the said first-recited Act of Parliament should be alterable or repealable as regards any of Her Majesty's Possessions abroad by the Legislature or other Legislative Authority of such Possession: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Certain Sections of recited Acts repealed so far as they apply to the Colony of Victoria.

I. The First, Second, and Third Sections of the said first-recited Act of Parliament, and the Fifteenth and Seventeenth Sections of the said secondly-recited Act of Parliament, shall be and they are hereby repealed so far as they apply to Her Majesty's Colony of *Victoria*.

Power to Colonial Legislatures to repeal, alter, or amend Provisions of recited Acts so far as applicable to such Possessions.

II. It shall be lawful for the Legislature or other Legislative Authority of any of Her Majesty's Possessions abroad to which any of the Provisions contained in the said first-recited Act, or in the Fifteenth or Seventeenth Section of the said secondly-recited Act, shall apply, to repeal, alter, or amend all or any of the Provisions, so far as applicable to such Possession, in like Manner and subject to the same Conditions as if the same had been originally enacted by such Legislature or Legislative Authority.

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VICTORIÆ REGINÆ.

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of the Legislature of Antigua.

Act shall, from the Day on which it shall have been so ratified and confirmed, be deemed to be valid and effectual within the said Islands of *Antigua* and *Barbuda*, to all Intents and for all Purposes whatever.

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VICTORIÆ REGINÆ.

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33, 34, and 35 of 2 & 3 Vict. c. 71. extended to 39 & 40 G. 3. c. 99. and to all Parts of England.

recited Act of the Second and Third *Victoria*, Chapter Seventy-one, for regulating the Police Courts in the Metropolis, shall extend and be construed, deemed, and taken to extend to the said Act of the Thirty-ninth and Fortieth Years of King *George* the Third, and to all Parts of *England*, in the same Manner and to the same Extent, and to all Intents and Purposes, as if the said Provisions and Enactments were herein repeated and set forth at Length: Provided, that whenever the Word "Magistrate" is used in the said Sections, or any of them, it shall be construed, deemed, and taken, for the Purposes of this Act, to mean any Stipendiary Magistrate or other Justice or Justices of the Peace for the District, County, Riding, Division, City, Liberty, Town, or Place where the Offence has been committed.

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VICTORIÆ REGINÆ.

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the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in the United Kingdom relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Cities, and Places in the United Kingdom; and all the Provisions of the several Acts in force in the United Kingdom relating to the Militia shall, upon any such Order, and Direction given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia.

Not to extend to prevent the holding of certain Meetings relating to the Militia.

III. Provided also, That nothing herein contained shall extend to prevent the holding before the Expiration of such Period as aforesaid of such General or other Meetings relating to the Militia of the United Kingdom as may be called in *Great Britain* under the Authority of One of Her Majesty's Principal Secretaries of State, or in *Ireland* under the Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of any Meeting which may be called for the Purpose of altering, enlarging, or providing any Place for the Reception of the Arms, Accoutrements, Clothing, or other Stores belonging to the Militia.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1859.

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

CAP. XVI.

An Act to enable the Commissioners of Her Majesty's Works to acquire a Site for the Purposes of Her Majesty's Court of Probate, and other Courts and Offices.

[8th *August* 1859.]

WHEREAS it is expedient that further and better Accommodation should be provided for the Purposes of Her Majesty's Court of Probate and the principal Registries and other Offices connected therewith, and also for such other Courts and Offices as are necessary for the Public Service, and that certain Land situate in the City of *London*, described in the Schedule to this Act, should be acquired and appropriated by the Commissioners of Her Majesty's Works and Public Buildings, herein-after called "the Commissioners," as herein-after mentioned for the Purposes aforesaid: And whereas a Map or Plan describing the Land to be acquired by the said Commissioners, under the Authority of this Act, has been prepared under the Direction of the Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The

Commissioners of Works, &c. incorporated for the Purposes of this Act.

I. The Persons who for the Time being, under the Provisions of the Act passed in the Session of Parliament Fourteenth and Fifteenth *Victoria*, Chapter Forty-two, shall be Commissioners of Her Majesty's Works and Public Buildings, shall, for the Purpose of this Act, be and are hereby constituted a Corporation by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," and by that Name shall have perpetual Succession and use a Common Seal, to be by them from Time to Time altered as they think fit.

Commissioners of Works to carry this Act into execution.

II. It shall be lawful for the Commissioners and they are hereby authorized, out of any Monies which have been or which may from Time to Time be appropriated by Parliament and put at their Disposal for that Purpose, to purchase, as after provided, the Land in the City of *London* mentioned in the Schedule to this Act, and to pull down and remove the Buildings thereon when so purchased, and to appropriate the Sites thereof and all the Land mentioned in the Schedule to this Act, whether now used as Courts, Yards, Gardens, vacant Ground, or otherwise, as a Site for the Erection thereon of Buildings for the Purposes of the Court of Probate and the Principal Registries and other Offices connected therewith, and also for the Purposes of such other Courts and Offices necessary for the Public Service, and in such Manner as shall be from Time to Time prescribed by the Commissioners for the Time being of Her Majesty's Treasury, and to carry the Purposes of this Act into execution in manner herein mentioned.

All Lands purchased under this Act to be vested in Commissioners for the Public Service.

III. All Land purchased by the Commissioners under the Authority of this Act shall be vested in them for the Public Service, and shall be subject to the Provisions of an Act passed in the Session of Parliament holden in the Fifteenth Year of the Reign of Her present Majesty, Chapter Twenty-eight, and in all respects as if the same had been acquired under the Provisions of that Act.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

IV. The said Map or Plan describing the Land or any Part thereof to be acquired by the Commissioners under the Authority of this Act shall, when signed by the Commissioners for executing the Office of Lord High Treasurer, be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Power to stop up Streets and Ways.

V. It shall be lawful for the Commissioners to stop up and wholly discontinue any Ways, Paths, Streets, or Passages which now lead into

into or pass through or by the Side of the Land and Premises hereinbefore mentioned; and the Ground and Soil of such Ways, Paths, Streets, or Passages as shall be so stopped up and discontinued, and the Fee Simple and Inheritance thereof, shall be and are hereby vested in the Commissioners and their Successors for the Purposes of this Act: Provided always, that nothing in this Act contained shall authorize or empower the Commissioners to stop up and wholly discontinue or build upon any Portion of *Upper Thames Street*, *Addle Hill*, *Great Knightrider Street*, or *Bennett's Hill*, without the Consent of the Commissioners of Sewers for the Time being of the City of *London*, and which Consent such last-mentioned Commissioners are hereby authorized to give.

Power to raise or lower Streets.

VI. The Commissioners are hereby empowered to raise or lower the Ground of any Streets or Ways which shall communicate with the Site for the Erection of Buildings thereon as aforesaid, or any Part thereof respectively, making Compensation to the Owners of Houses injured by such Alterations, as shall be agreed on between the Parties.

Power to take Land.

VII. For the Purposes of this Act it shall be lawful for the Commissioners to take and use any Land, and pull down and remove any Houses or Buildings thereon, at any Time after the Expiration of Six Months Notice in Writing from the Commissioners, or their Agent duly authorized, of their Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person who shall be the Owner and Occupier of such Land, or, in case he cannot be found or ascertained, left at the usual or last known Place of his Abode, or with the Tenant or Occupier of the said Land, or shall be affixed upon the Premises, and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No Land to be taken without Consent, except as in the Schedule.

VIII. Provided always, That no Land shall be taken for the Purposes of this Act, except such as is mentioned in the Schedule to this Act, without the Consent in Writing of the Owner thereof being first obtained.

Premises may be taken, notwithstanding Errors in the Schedule.

IX. It shall be lawful for the Commissioners to purchase, take down, and use for the Purposes of this Act any of the Tenements described on the said Plan as intended to be taken for the Purposes of this Act, although such Tenements, or the Name or Names of the Owner or Occupier thereof, may happen to be erroneously stated or omitted in the said Schedule, in case it shall appear to any Two or more of the Aldermen of the City of *London*, and be certified under their

their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to Commissioners, their Surveyors, &c., to enter upon Land for surveying or valuing.

X. It shall be lawful for the Commissioners, and for their Surveyors, Officers, and Workmen, at all reasonable Times in the Day-time, upon giving Notice in Writing, for the First Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours previous Notice, to enter into and upon all or any of the Land authorized to be taken and used as aforesaid for the Purpose of surveying or valuing the same.

Commissioners empowered to treat for Purchases.

XI. It shall be lawful for the Commissioners to agree for the Purchase of any Land which they may deem necessary to be taken for the Purposes of this Act, and of any Interest therein or Charges thereon, or such of them, or such Part or Parts thereof, as the Commissioners shall think proper, and to enter into any Contract in respect of the Premises which they may think fit.

Land purchased to be conveyed to the Comsioners, or as they shall direct.

XII. The Land which may be purchased in pursuance of this Act shall be conveyed to the Commissioners of Her Majesty's Works and Public Buildings and their Successors, or to such Person as they shall direct, in trust for the Purposes of this Act, and the Rents and Profits of the said Land shall be received and applied by the said Commissioners for the Purposes of this Act.

Limitation of Time for compulsory Purchases.

XIII. If the Commissioners shall not within the Space of Three Years from the passing of this Act purchase or take the Land or Parts thereof which they are hereby empowered to purchase, then the compulsory Powers hereby granted to them for such Purpose shall cease.

Bodies Politic, Trustees, and other Persons empowered to sell and convey.

XIV. It shall be lawful for all Bodies politic, corporate, or collegiate, ecclesiastical or lay, aggregate or sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest where

where such Persons or any of such Persons whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for selling or conveying the same, and to and for all Guardians, whether of the Person or Estate, on behalf of their Wards, Husbands on behalf of their Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators and Issue of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right, and notwithstanding any Restraint from Alienation to any such Land, or to Dower or other Interest therein, on behalf not only of themselves but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the said Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any of the said Land which by the Commissioners shall be thought necessary for any of the Purposes of this Act to contract for, sell, and convey the same, and every or any Part thereof, to the Commissioners and their Successors, or to such Person as the Commissioners shall direct, for the Purposes of this Act; and all Contracts and Assurances which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in the Law, and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they or any of them shall respectively make by virtue of this Act.

Satisfaction to be made and may be accepted.

XV. Every Body and Person herein capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner or Owners of any such Land, or any Share, Estate, or Interest therein or Charge thereon, may accept such Satisfaction for the Value thereof, and such Bodies or Persons, and also any Tenant or other Occupier of any such Premises entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage as shall be sustained on account of the Execution of this Act, may accept such Sum of Money in respect thereof as shall be agreed upon between him and the Commissioners, and in case they cannot agree as to the Amount the same shall be ascertained by a Jury in manner hereinafter directed.

Parties to deliver a Statement of their Claims.

XVI. On or before the Expiration of One Month next after Notice in Writing from the Commissioners or their Agent duly authorized of their Intention to take or use any Land, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, every Body or Person authorized by this Act to accept Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Goodwill or Improvements, or for Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to the Commissioners or leave at their Office a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which such Body or Person claims to be entitled to or to be authorized to receive Satisfaction or Recompence for, and of the Goodwill, Improvements which may be lost, and of the Fixtures, and of the Injury or Damage sustained, and of the Amount of the Money which such Body or Person may be willing to receive in satisfaction or recompence for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which such Body or Person may be willing to receive as Compensation for such Goodwill and Improvements and Fixtures, and for such Injury or Damage respectively.

If Parties refuse to treat, or shall not agree, a Jury to be summoned to ascertain Damage, and award Compensation.

XVII. If any Body or Person seised, possessed of, or interested in any Land, or in any Share, Estate, or Interest therein or Charge thereon, which the Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the Commissioners for the Sale and Disposal of his Estate and Interest therein, or cannot be found or known, or shall not produce a clear Title to the Premises he may be in possession of, or to the Interest he shall claim therein, to the Satisfaction of the Commissioners, then and in every or any such Case the Commissioners are hereby empowered to issue a Warrant or Warrants under their Corporate Seal to the Sheriffs of the City of *London* or their Under Sheriffs, or, in case such Sheriffs or Under Sheriffs shall be in anywise interested in the Matter in question, then the Coroner of the City of *London*, and they and he are and is hereby required and authorized to summon, empannel, and return a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the Court of Mayor and Aldermen of the City of *London* to be holden in the Outer Chamber of the *Guildhall* of the said City, according to the Custom of the said City, at such Time as in such Warrant

Warrant shall be appointed, and Fourteen Days Notice at the least in Writing under the Corporate Seal of the Commissioners of the Time and Place at which such Jury are so required to be returned shall be given to such Persons interested in the Premises, before the Time of Meeting of the said Jury, by leaving such Notice at the Dwelling House of such Persons, or of the Head Officer of any Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriffs, Under Sheriffs, or Coroner are and is hereby empowered to empannel, summon, and return such Number accordingly, and out of the Persons so empannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Court of Mayor and Alderman shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriffs, Under Sheriffs, or Coroner, or some Person to be appointed by the said Court of Mayor and Aldermen, shall return other honest and indifferent Men of the Standers-by or that can be speedily procured to attend that Service (being qualified as last aforesaid), to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard and to adduce Evidence before the said Court of Mayor and Aldermen, and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and such Jury shall upon their Oaths (which Oaths the said Court of Mayor and Aldermen is hereby empowered and required to administer) inquire into and ascertain what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Land, and of the proportionable Value of the respective Estates and Interests of every Person seised or possessed thereof or interested therein, or of or in any Part thereof, and assess the Money to be paid for the Purchase of such Land, and of such Estates and Interests therein, and also for Goodwill, Improvements, or any Injury or Damage whatsoever that may affect any such Person or Party; provided that such Goodwill shall be estimated by what in the Opinion of such Jury the same would have been worth in case the Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Land for the Purposes of this Act; and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value of the Residue of any Property of which such Land shall form Part; and in order thereto the said Court of Mayor and Aldermen is hereby empowered and required from Time to Time, as Occasion shall require, to summon and call before the said Jury and examine upon Oath all

Persons

Persons whomsoever whom it shall be thought necessary to examine as Witnesses touching or concerning the Premises, which Oath the said Court of Mayor and Aldermen is hereby empowered to administer, and such Court of Mayor and Aldermen shall order and cause the said Jury to view the Places in question, if there be occasion, and use all other lawful Ways and Means, as well for their own as for the said Jury's better Information in the Premises, as the said Court of Mayor and Aldermen shall think fit; and after the said Jury shall have settled such Damage and Satisfaction, the said Court of Mayor and Aldermen shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the Commissioners to the said Parties interested therein, according to such Verdict of the Jury, which said Verdict shall be final as against all Parties interested, and all other Persons whomsoever.

Verdict of the Jury to be final.

Where Part of an Estate is taken the Remainder to be valued.

XVIII. If the Owner, Lessee, or Occupier of any Land authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof or of his Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the Commissioners or any Person authorized by them shall not think it necessary to purchase, then the Jury shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which shall remain after the Commissioners or the Person authorized by them have taken away so much as they shall think necessary for the Purposes of this Act, and in such last Valuation the said Jury shall take into their Consideration the Improvement or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them shall be the Price to be paid by the Commissioners for that Part which they shall have occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of the Compensation claimed.

XIX. No Jury to be summoned by virtue of this Act shall be allowed to award any Sum or Sums of Money to any Body or Person by way of Compensation for Goodwill or Improvements alleged to have been lost, or Tenant's Fixtures, or any Injury or Damage alleged to have been sustained by reason or means of this Act, or anything which shall or may be done in the Execution thereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the Commissioners or left at their Office as aforesaid by and on behalf of such Person

Person Ten Days at least before the Time of the Meeting of such Jury.

Penalty on Sheriffs, Jury, and Witnesses for Neglect of Duty.

XX. If the Sheriffs, Under-Sheriffs, or Coroner so directed to summon and return a Jury as aforesaid shall make Default in the Premises, they or he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered with full Costs of Suit by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Matter wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of the Aldermen of the said City of *London* by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him the Overplus of the Money thereby produced, if any, after such Penalty and the Charges of such Distress and Sale shall be deducted, and all such Fines shall be paid to the Commissioners to be applied for the Purposes of this Act.

Jury may assess Value of Fee Simple, and then apportion Values of respective Interests therein.

XXI. In all Cases in which a Verdict shall be given for the Value of any Land, or Share therein, the Jury shall, if required so to do by or on behalf of the Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed therein, and also between different Parts of the said Land alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract or Sale which shall have previously been made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Value of Land to be ascertained distinct from Goodwill or other Damages.

XXII. The Jury so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of Land, or of any Share, Estate, or Interest therein, or any

Charge thereon separately and distinctly from the Consideration of any Loss of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Land or Share, Estate, or Interest therein, or Charge thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other, and when any Money shall be assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, the Jury shall, if required by the Commissioners, declare whether the Statement delivered by the Claimant of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the Commissioners to make a proper Offer.

Provision as to Expenses of summoning and returning Juries.

XXIII. In case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of any Person in any such Land, or for any such Goodwill, Improvements, Injury, or Damage as aforesaid than shall have been agreed to be given and offered for the same in the aggregate by the Commissioners before the summoning and returning of such Jury, or where, by reason of Absence in Foreign Countries or other Incapacity or Disability as aforesaid, there shall not be found any Person legally capacitated to enter into any Contract with the Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expenses of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Registrar of the said Court of Mayor and Aldermen, and shall be paid by the Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant, of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up, did not give sufficient Particulars to enable the Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the Commissioners by any Body or Person who is by the Provisions of this Act or otherwise, legally empowered to treat, then (except where, by reason of Absence, such Person

Person shall be prevented from treating with the Commissioners,) all such Costs, Charges, and Expenses to be settled by such Registrar of the said Court of Mayor and Aldermen shall be paid to the Commissioners by the said Body or Person so claiming such Compensation, or refusing to treat and agree as before mentioned respectively, (save only where, by reason of Absence or other like Cause, any Person shall have been prevented from treating or agreeing as aforesaid,) in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other, and all Costs, Charges, and Expenses hereby directed to be paid to the Commissioners shall be deducted and retained by them out of the Money so assessed to be paid by them as so much Money advanced to and for the Use of the Person entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money shall be taken to be a Payment or Tender of the whole Sum so assessed, or in case no Money or no sufficient Sum of Money shall be assessed to be paid by the Commissioners whereout such Costs, Charges, and Expenses can be deducted, then the same shall be recovered, by virtue of any Warrant under the Hand and Seal of One of the Aldermen of the City of *London*, by Distress and Sale of the Goods and Chattels of the Person liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expenses, and the Charges of such Distress and Sale, shall be deducted.

Verdicts to be recorded.

XXIV. A Minute or Docket of all the said Verdicts shall be recorded in the Office of the Commissioners, and all such Judgments and Verdicts shall be deposited with the Registrar of the said Court of Mayor and Aldermen, and entered amongst the Records of the said Court, and shall be deemed to be Records to all Intents whatsoever, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

Commissioners empowered to purchase the whole of the Land, if the Owners are unwilling to sell a Part.

XXV. If in any Case the Owner of any Land, Part only of which shall at any Time be required by the Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell such Part only as shall be required by the Commissioners, the Commissioners are hereby required, at the Option of any Owner of any such Land, to purchase of and from the said Owner the whole or such

such Part thereof over and above such Part thereof as may be wanted for the Purposes of this Act as such Owner shall think fit, and to apply so much and such Part thereof as the Commissioners, with such Consent as aforesaid, shall see fit, for the Purposes aforesaid, and if such Owner shall not or cannot agree with the Commissioners for the Price to be paid for the Purchase of the whole or such Part thereof as aforesaid, then the Value thereof shall be ascertained by a Jury in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises, the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Persons holding under Leases to produce the same.

XXVI. In all Cases in which any Person shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Land intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease, or Agreement for Demise or Lease, or Grant thereof, the Commissioners are hereby authorized to require such Person to produce or show the Demise or Lease, or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his Power, and if such Demise or Lease, or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the Commissioners, or any Person by them authorized, the Person claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

For settling Disputes as to Damages of small Amount.

XXVII. In case any Difference shall arise between the Commissioners and any of the Owners of the Property to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the Commissioners, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be determined by some Two Aldermen of the City of *London*, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine the Amount of Compensation which shall be payable by the Commissioners, and such Aldermen may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false swearing, as if the same were a judicial Matter brought

b ought before them, on which they were by Law entitled to adjudicate.

XXVIII. Provided always, That all Sums of Money, or other Consideration, Recompence, or Satisfaction, to be made or paid pursuant to any such Agreement or Verdict as aforesaid, shall be paid or tendered to the Party entitled to the same, or into the Bank of *England*, as herein mentioned, before the Commissioners, or any Person authorized by them, shall proceed to take possession of any Tenement, or to pull down any House or other Erection or Building comprised in or affected by such Agreement or Verdict respectively, or to use the same for any of the Purposes of this Act.

Commissioners not to take possession until the Purchase Monies are tendered or paid.

XXIX. If any Body or Person seised or possessed of or interested in any such Land, or Share, Estate, or Interest therein, or Charge thereon, as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance thereof, then and in every such Case, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed or shall have been assessed and awarded by any Jury in manner aforesaid to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England* as herein-after directed and required (in case the same shall be requisite) for the Use of such Person so interested in or entitled as aforesaid, such Land, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Body or Person or unknown Person to whose Credit such Money shall be paid into and out of the Land to be purchased as aforesaid, shall from thenceforth vest in the Commissioners and their Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof, to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, and Interests, Claims and Demands, as fully and effectually as if every Body or Person having any Estates in the Premises had actually conveyed the same by Release, Bargain, and Sale, enrolled, and with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any such Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Person or unknown Person of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed

Commissioners empowered to take possession on Payment of Purchase Money into the Bank of England.

strued to bar the Dower of the Wife of such Person, and all Estates Tail, and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person and every other Person whomsoever, and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the Commissioners.

Application of Purchase Money when amounting to 200*l.*

XXX. If any Money shall be agreed or assessed to be paid for any Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body or Person under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to the Account there of such Accountant General *ex parte* the Commissioners, pursuant to the Method prescribed by any Act for the Time being in force for regulating Money paid into the said Court, and such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the said Land, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Land, or Part thereof, or Share, Estate, or Interest therein or Charge thereon, or affecting other Land, standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes, or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Land, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes and in the same Manner as the Land which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, until such Purchase shall be made, the said Money shall by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes

Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land so hereby directed to be purchased in case such Purchase or Settlement were made.

XXXI. Provided, That if any Money so agreed or assessed to be paid for any Land, or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, purchased, taken, or used for the Purposes aforesaid, belonging to any Corporation or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Land, or Parts, Shares, Estates, Interests, or Charges so purchased, taken, or used, or of his Guardian or Committee in case of Infancy or Lunacy, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Person making such Option, and approved of by the Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating Parties and the Common Seal of the Commissioners, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less than 200*l.* and amounting to 20*l.*

XXXII. Provided always, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Land, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners shall think fit, or in case of the Infancy or Lunacy of such Person then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so entitled.

When less than 20*l.*

XXXIII. In case the Body or Person to whom any Sum of Money shall be agreed to be paid or shall be awarded by any Jury for the Purchase of any Land, or any Parts, Shares, Estates, or Interest therein,

In case of not making out Titles.

therein, or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners (whose Opinion in the Premises shall be final), or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person entitled to such Land, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party, if known, who shall be interested in the said Land, Parts, Shares, Estates, Interests, or Charges (describing such Land), but, if such Party shall not be known, to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Person making claim to any such Sum of Money or any Part thereof by Motion or Petition, shall be and the same is hereby empowered, in a summary Way of Proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest, of the Body or Person making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable, and the Cashier of the Bank of *England* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what the same is or are received, to such Person as shall pay any such Sum of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title, the Person in possession shall be deemed entitled until the contrary be shown.

XXXIV. Provided always, where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *England* as aforesaid, in pursuance of this Act, for the Purchase of any Land, or Part thereof, or of any Estate, Right, Title, Charge, or Interest into or upon any Land to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Person who shall have been in possession of such Land, Parts, Shares, Estates, Interests, or Charges at the Time of such Purchase, and every Body or Person claiming under such Body or Person, or under the Possession of such Body or Person, shall be taken to have been lawfully entitled to such Land, Parts, Shares, Estates, Interests, or

or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land or Part thereof, or to some Estate or Interest therein or Charge thereon.

Court of Chancery may order Expenses of Purchases to be paid by the Commissioners.

XXXV. Provided also, That where by reason of any Disability or Incapacity of the Body or Person entitled to any Land or Part thereof, or Share, Estate, or Interest therein, or Charge thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* as aforesaid, to be applied in the Purchase of other Land to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of the Purchases to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the Commissioners, who shall pay such Sum or Sums of Money out of the Monies appropriated and applicable to the Purposes of this Act as the said Court shall direct: Provided always, that the Costs of One Application only for Reinvestment in Land shall be allowed, unless it shall appear to the said Court that it is for the Benefit of the Parties interested in the said Monies that the same should be invested in the Purchase of Lands in different Sums and at different Times, in which Case it shall be lawful for the Court, if it think fit, to order the Costs of any such Investments to be paid by the Commissioners.

Where the Title is defective by reason of a Rent payable out of other Land, as well as Land required for the Purposes of this Act, the Money paid into the Bank to be laid out in the Purchase of other Land, which shall be subject to the Rent in the same Manner.

XXXVI. Where the Money awarded to be paid for any Lands which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in manner herein-before directed, in consequence of a good Title not having been made to such Land to the Satisfaction of the Commissioners or any Person authorized by them, by reason of the same Land respectively being subject together with other Land not required for the Purposes of this Act to a Rent payable to some Body or Person unable or unwilling to release therefrom the Land so to be taken, then and in every or any such Case the Land for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed to be paid, shall be for ever discharged from such Rent and all Claims and Demands in respect thereof, and the Money to be paid into the Bank of *England* shall be laid out and invested under the Direction of the Court of Chancery, to be signified by an Order made upon a Petition

to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Land for the Value of which such Money respectively shall have been paid as aforesaid in the Purchase of other Land which shall be conveyed and settled (subject together with such other Land to such Rent) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land so to be taken as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid by Order of the said Court to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Land hereby directed to be purchased in case such Purchase and Settlement were made; and the Land so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject in the same Manner to all Intents and Purposes as the Land taken or to be taken for the Purposes of this Act as aforesaid were subject thereto, and the Body or Persons to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof or of any Part thereof out of or upon the Land to be comprised in such Conveyance and Settlement and declared to be subject thereto as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Land to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Land, together with the other Land subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if it shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Person for the Time being entitled to the said Rent, in discharge thereof or Part thereof, as the Case may be.

Power to purchase the Release of

XXXVII. Where any Land purchased or wanted or intended to be purchased by the Commissioners shall be subject solely or jointly with

with other Land not intended or wanted to be purchased to or with any Rent Service, Rentcharge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the Commissioners to agree for the Release of the Land so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by any Person and Corporation by this Act authorized and empowered to sell or convey Land, and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Money on the Sale of Land, and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Land purchased or wanted or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Land jointly subject to the Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Land purchased or wanted or intended to be purchased, and of the Land not purchased or wanted or intended to be purchased by the Commissioners; and all Assurances which shall be made by and between or to the Commissioners and any such Party as aforesaid respecting such Release shall be valid in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Land so jointly subject and the same shall in fact be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Land so purchased by the Commissioners therefrom, then it shall be lawful for the Party entitled by this Act, or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Land so purchased therefrom (with the Consent of the Owner of the Land so purchased, and also of the Owner of the Land so jointly subject as aforesaid), to release the Land so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Land, on condition or in consideration of such other Land continuing or remaining wholly and exclusively subject to the whole of such Rent,

Land wanted from Rents charged thereon.

Rent, Payment, or Incumbrance: Provided also, that when any of the Land purchased by the Commissioners shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Land not purchased by the Commissioners, such last-mentioned Land shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Land not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument declaring what Part of the Land originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents on Leases to be apportioned

XXXVIII. In all Cases in which a Part only of any Land comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Land comprised in such Lease or Agreement for a Lease shall be apportioned between the Land required for the Purposes of this Act and the Residue of such Land, and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Land to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties such Agreement shall be made with and shall not be valid without the Consent and Approbation of the Lessor from whom such Land is holden, or agreed to be holden, and any Person hereby capacitated to sell who shall be a Lessor shall be capacitated to assent and to bind the Property in respect of such Assent, and after such Apportionment the Tenant or Lessee of the Land comprised in such Lease or Agreement for Lease shall as to all future accruing Rent be liable only to so much of the Rent reserved in such Lease or Agreement

ment for Lease as shall have been apportioned in respect of the Land not required for the Purposes of this Act, and the Lessor of the said Land shall have all such and the same Remedies for the Recovery of the Rent so apportioned in respect of the Land not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Land comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Land, but not further, continue in full Force.

Mortgagees to convey to the Commissioners on Tender of Money due on Mortgage.

XXXIX. Every Body and Person having any Mortgage on any Land which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right or in trust for any other Body or Person, and whether in possession of such Land by virtue of such Mortgage or not, and whether such Mortgage shall affect such Land solely or jointly with any other Land which shall not be so required,) shall, on Payment or Tender by the Commissioners or by any Person by them authorized of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Months Interest on the said Principal Money (which Tender and Payment the Commissioners are hereby authorized to make and to deduct the same from any Sum agreed or directed to be paid for an Estate or Interest of the Party entitled to the Equity of Redemption) of and in the Land so mortgaged, in case the same shall be sufficient for the Purpose, immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Land which shall be so required to the Commissioners and their Successors, or to such Person as the Commissioners shall appoint; or in case such Mortgagees shall have Notice in Writing from the Commissioners, or from the Party entitled to the Equity of Redemption of and in the same Land, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or less Number of Months, to be computed from the Day of giving such Notice, then at the End of such Six or less Number of Months, on Payment or Tender by the Commissioners of the Principal Money and Interest which would become due at the End of Six Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the Land which shall be so required for the Purposes of this Act to the Commissioners and their Successors, or as the Commissioners shall direct; and in case any such Mortgagee shall

refuse to convey, assign, or transfer as aforesaid, on such Payment or Tender as aforesaid, then, on Payment of such Money, Interest, and Costs into the Court of Chancery as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England*, at or near the End of Six Months from the Day of giving such Notice as aforesaid, or as soon after as possible, or, in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate and Interest of such Mortgagee, and of every Person in trust for him or for whom he shall be Trustee, shall vest in the Commissioners and their Successors, who shall be deemed to be in the actual Possession of the Land comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Land, or a Part only of the Land is taken.

XL. In all Cases in which any Land subject to any Mortgage shall be required for the Purposes of this Act, which Land shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Land subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Land, and the Mortgagee thereof shall not consider the remaining Part of such Land to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Land, or, as the Case may be, of such Part of the said Land as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee and the Body, Trustee, or Person entitled to the Equity of Redemption of such Land, whether absolutely or for such Estate as might capacitate such Parties to convey for the Purposes of this Act, on the one Part, and the Commissioners on the other Part, and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury

a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee shall thereupon convey, assign, and transfer all his Interest in such mortgaged Land, the Value whereof shall have been so agreed upon or determined as aforesaid; or, in case of the Party neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England*, to the Credit of the said Mortgagee, as by this Act is provided in Cases of the like Nature, and such Payment to the Mortgagee or into the Bank as last aforesaid shall be accepted in satisfaction of the Claim of such Mortgagee so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Land as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Land shall become absolutely vested in the said Commissioners and their Successors, who shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that every Mortgagee shall have the same Powers and Remedies for recovering or compelling Payment of his Mortgage Money, or the Residue thereof (as the Case may be) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Land not required for the Purposes aforesaid, as he would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Land originally comprised in such Mortgage: Provided also, that when a Part only of the Land subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Land so taken shall, on the Assignment or Conveyance thereof to the Commissioners and their Successors, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to the Commissioners, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time (if required) be furnished by the Commissioners to the Persons so entitled as aforesaid to the Equity of Redemption of the Land comprised in such Mortgage Deed.

Tenants at Will or from Year to Year to quit after Notice.

XLI. Every Tenant at Will or Lessee for a Year, or any other Person in possession of any such Land or any Part thereof which shall be purchased by virtue of this Act or vested in the Commissioners for the Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall, at the End of Six Calendar Months

Months next after Notice in Writing under the Corporate Seal of the Commissioners shall have been given to him or left at the Premises which are the subject of such Notice, and whether such Notice be given with reference to the Time of such Tenants holding or not, quit and relinquish the said Premises unto the Commissioners, or to such Person as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Premises, then and in such Case the Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby, and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Land is herein-before directed to be ascertained, or, if the Commissioners and the other Parties in difference shall agree thereto, the same may be settled by a Reference to the Award of Arbitrators and their Umpire to be chosen by the Parties in difference; and that all and every Person and Body in possession of any Land or any Part of any Land which shall or may be purchased in pursuance of this Act by the Commissioners, or vested in them for any of the Purposes aforesaid, shall, upon Payment or Tender as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees, or Umpire, or by Verdict, or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the Commissioners, or to such Person as shall be by them authorized to receive Possession of the same; and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Body shall hold the said Premises, shall at and from the End and Expiration of such Six Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against the Commissioners; and if any such Tenant at Will or Lessee or other Person or Body shall refuse or neglect to deliver up the Premises at the Expiration of such Six Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Alderman of the City of *London* to issue his Precept or Warrant to the Constables of the said City of *London* for the Time being, or any of them, or to any Person to be by such Alderman appointed as Constable for that especial Purpose, commanding and requiring such Constable or Constables or any of them to cause Possession of the said Premises to be taken, and afterwards delivered to such Person as shall in such Precept or Warrant be nominated to receive the same on behalf of the Commissioners, and the said Constables and every of them are and is thereupon hereby authorized and required to cause such Possession to be taken

taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the Commissioners whenever they may deem it just and reasonable so to do from granting Compensation to any Tenant at Will for giving up the Possession of the Premises, under or by virtue of this Act, in any Case where special Injury shall be proved to their Satisfaction.

Persons authorized to sell may refer it to Arbitrators to fix the Price.

XLII. Every Person and Body hereby capacitated to sell, and who may not agree with the Commissioners as to the Price to be paid, may, if he shall think fit, instead of having the Value ascertained by a Jury as aforesaid, agree with the Commissioners to refer it to any Person or Persons and their Umpire to ascertain the Amount to be paid, and every such Agreement, and the Award to be made in pursuance thereof, shall be in all respects binding and effectual, and as if the Value had been ascertained by a Jury.

Power to clear the Ground and sell old Materials.

XLIII. It shall be lawful for the Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and to level and clear the Ground whereon the same shall stand, and all other the Ground to be purchased by virtue of this Act, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the Houses and other Buildings to be taken down and removed pursuant to this Act, and the Monies to be produced by the Sale thereof, (after deducting the Expenses of pulling down such Houses and Buildings respectively, and of such Sale or Sales,) and also the Rents and Profits of such Houses and Buildings to be purchased or taken by virtue of this Act, until the same shall be pulled down or cleared, shall be received and applied by the Commissioners for the Purposes of this Act.

No Purchases to be made without the Authority of the Treasury.

XLIV. No Purchase shall be made by the Commissioners for the Purposes of this Act without the Assent in Writing of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer; but it shall not be necessary for any Vendor or any Purchaser from the said Commissioners to ascertain that such Assent has been given, nor shall the Commissioners be bound to produce to any such Vendor or Purchaser any Evidence of such Assent: Provided nevertheless, that such Assent may be given either generally or for any particular Purchase or Purchases, as to the said Lord High Treasurer or Commissioners for executing the Office of Lord High Treasurer as aforesaid shall seem meet.

Materials, &c. vested in the Commissioners.

XLV. The Right and Property of all and every the Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials for paving, Implements, Utensils, and Things whatsoever, which may be erected and set up or provided by the Commissioners or by their Order, or otherwise belonging to and used by them for the Purposes of this Act, and also any Materials which formed Part of any Buildings which may be pulled down by the Direction of the Commissioners in pursuance of the Powers of this Act, shall be vested in the Commissioners, and they are hereby empowered to dispose of and apply the same for the Purposes of this Act as they shall think fit, and to bring any Action or Actions, and to prefer and prosecute with Effect any Bill or Bills of Indictment, against any Person or Persons who shall steal, secrete, injure, damage, or dispose of the same, or any of them respectively, to their own Use and Uses, or shall disturb them, the Commissioners or their Officers, or other Persons acting under them, in the Possession thereof.

Commissioners may cause Actions to be brought for Breach of Contract.

XLVI. In case any Contract entered into in pursuance of this Act with the Commissioners, or in case all or any of the Works to be done in pursuance of this Act, shall not be well and sufficiently performed according to the Intent and Meaning of any Contract or Contracts to be entered into by the Commissioners for any of the Purposes of this Act, or shall not be completed within the Time or Times specified in such Contract, then and in every such Case the Commissioners may cause an Action to be brought in any of Her Majesty's Courts of Law at *Westminster* against any such Contractor for any Penalty contained in his Contract; and on Proof of the signing of the said Contract, and Nonperformance thereof at the Time or Times for that Purpose to be therein mentioned, the Commissioners shall be entitled to and shall recover the full Penalty contained in any such Contract, any Law, Custom, or Usage to the contrary in anywise notwithstanding, which Penalty, when recovered, shall be applied to the Purposes of this Act: Provided always, that it shall be lawful for the Commissioners, if they think fit, to compound and agree with any such Contractor for any Penalty incurred by him for the Breach or Nonperformance of any such Contract for such Sum of Money as the said Commissioners shall think proper.

Costs and such Sum as Jury may find, to be paid to Persons obtaining Judgment in lieu of Land.

XLVII. If any Proceedings shall be taken for the Recovery of the Possession of any Land so purchased or taken for the Purposes of this Act, then within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises there shall be paid or tendered to any Person so obtaining such Judgment, in lieu of such Premises, his

his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of the Act, or when Possession thereof was taken as aforesaid, and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Premises, and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act; and the said Land, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, such Amount or Value being taken and accepted in lieu thereof.

Deeds, &c. not liable to Stamp Duty.

XLVIII. No Deed, Bond, or other Instrument which shall be made or executed by, to, or with the Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged therewith by any future Act.

Punishing Persons for giving false Evidence.

XLIX. All Persons who upon any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence, or otherwise forswear themselves before any Jury or before any Justice of the Peace acting as such in the Execution of such Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Plaintiff not to recover without Notice, or after Tender of Amends.

L. No Plaintiff shall recover in any Action to be commenced against any Person for anything done in pursuance of this Act unless Notice in Writing shall have been given to the Defendant, or left at his last or usual Place of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover if Tender of good and sufficient Amends shall have been made to him or his Attorney by or on behalf of the Defendant before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought

brought and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender, but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant may recover Costs in any other Case by Law, or, in case no Tender shall have been made, it shall be lawful for the Defendant in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LI. Provided always, That no Action or Suit shall be brought or prosecuted against any Person or Body for anything done in pursuance of this Act after Three Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant in every such Action or Suit shall and may at his Election plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought before Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant.

Saving Rights of the Commissioners of Sewers of London.

LII. Provided always, That nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers of the City of *London*.

Commissioners of Works, &c. not to be personally liable.

LIII. Nothing in this Act, or in any Deed or Instrument entered into or made by the Commissioners for the Purposes of this Act, shall extend to charge the Person or Persons of all or any of the Commissioners executing any such Deed or Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, or any of them, or either or any of their own proper Lands, Tenements, Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the said Deed or Instrument contained, on the Part of the same Commissioners, or any of them, but the Amount

Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them, the Commissioners, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such last-mentioned Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expenses which the Commissioners shall bear, pay, expend, be put to, or which shall be occasioned to them, for or by reason or means of any such Deed or Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits, to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies applicable to the Purposes of this Act.

Monies payable to the Commissioners of Works, &c. to be paid over to the Paymaster General.

LIV. All Monies payable to the Commissioners under the Provisions of this Act from the Sale of any Materials or otherwise shall be paid to Her Majesty's Paymaster General or the Deputy Paymaster General for the Time being, or other Officer acting for the Paymaster General, whose Receipt unstamped shall be a sufficient Discharge for the same to the Persons paying the same; and such Monies so paid as aforesaid shall from Time to Time be by such Paymaster General paid over and applied as the Commissioners shall by any Order direct, and in the meantime shall be applied or invested in the Purchase of Exchequer Bills, if the Commissioners should so direct.

Contracts made by First Commissioner of Works to be valid.

LV. All Contracts made by the First Commissioner of Her Majesty's Works and Public Buildings in the Execution of any of the Powers by this Act given to the Commissioners hereby incorporated as aforesaid shall be valid, and shall be binding on the Commissioners, as if the same had been under their Corporate Seal.

Deeds to be enrolled in the Court of Exchequer.

LVI. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Land by this Act authorized to be purchased shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument, when so enrolled, shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be good and available in Law, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

LVII. It shall be sufficient for all Purposes to cite this Act as "The Probate and other Courts and Registries Site Act, 1859."

The SCHEDULE referred to in the foregoing Act.

Parish of Saint Benet, Paul's Wharf, in the City of London.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Great Knightrider Street.			
42	—	Small Office at Rear of No. 3.	The Warden and Scholars of the House or College of Scholars of Merton, in the University of Oxford, Henry Price Holford, Harriet Sophia Hatchard	The Trustees of the Charity of Edmund Arnold, Esq., deceased, the Commissioners of Her Majesty's Works and Public Buildings.	Samuel Holmes.
43	—	Small Office at Rear of No. 3.			Empty.
44	—	Yard and Watercloset at Rear of No. 3.			Henry Dinn, George Charles Ring, James Veitch Shaw, John Judd Blake, Harriet Dunn, William Frederick Pott, Samuel Holmes, Edward Greenhill.
45	4	Public Office, Forecourt, and Yard.		The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings.	The Registrars of the principal Registry of Her Majesty's Court of Probate.
46	—	Part of the Principal Registry of Her Majesty's Court of Probate in the Rear of No. 4, and the Strong Room in the Rear of No. 3, Great Knightrider Street.	The Warden and Scholars of the House or College of Scholars of Merton, in the University of Oxford.	The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings, the Registrars of the principal Registry of Her Majesty's Court of Probate.	The Registrars of the principal Registry of Her Majesty's Court of Probate.
47	5	Dwelling House and Offices.	The President and College or Commonalty of the Faculty of Physicians in London.	- - -	Charles Hawkins, the Registrars of the principal Registry of Her Majesty's Court of Probate, Thomas Cumberland Davidson.
48	6	Public Office and Courtyard, and other Part of the Principal Registry of Her Majesty's Court of Probate.	The Dean and Chapter of the Cathedral Church of St. Paul, in London.	The Trustees of the Charity of Edmund Arnold, Esquire, deceased, the Commissioners of Her Majesty's Works and Public Buildings, the Registrars of the principal Registry of Her Majesty's Court of Probate.	The Registrars of the principal Registry of Her Majesty's Court of Probate.

Court of Probate, &c. (Acquisition of Site).

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		The College of Advocates and Doctors of Law.			
49	1	Dwelling House and Offices.	- - -	- - -	Thomas Blake.
50	2	Dwelling House and Offices.	- - -	- - -	Frederick Thomas Pratt.
51	3	Dwelling House and Offices.	- - -	- - -	James Parker Deane.
52	4	Dwelling House and Offices.	- - -	- - -	William Calverley Curteis.
53	5	Dwelling House and Offices.	- - -	- - -	John Lee.
54	6	Dwelling House and Offices.	- - -	- - -	Thomas Spinks.
55	7	Dwelling House and Offices.	- - -	- - -	William Robinson.
56	8	Dwelling House and Offices.	The Dean and Chapter of the Cathedral Church of St. Paul, in London, William Calverley Curteis, Frederick Thomas Pratt, and others, Trustees for the Fellows and Members of the College of Advocates and Doctors of Law.	- - -	The Right Honourable Stephen Lushington.
57	9	Dwelling House and Offices.		- - -	Samuel Jewkes Wambey.
58	10	Dwelling House and Offices.		- - -	Sir John Dorney Harding, Herbert Jenner.
59	11, 11½	Dwelling House and Offices.		- - -	George Webbe Dasent, Travers Twiss, Alfred Waddilove.
60	12	Dwelling House and Offices.		- - -	Augustus Frederick Bayford, Alfred Waddilove, and the Registrars of the principal Registry of Her Majesty's Court of Probate, and for Divorce and Matrimonial Causes.
61	13	Dwelling House - -	- - -	- - -	James Maskell.
62	14	Dwelling House and Offices.	- - -	- - -	Thomas Hutchinson Tristram, the Right Honourable Sir John Dodson, William Francis Dodson.
63	15	Dwelling House and Offices.	- - -	- - -	Robert Joseph Phillimore.
64	16	Dwelling House and Offices.	- - -	- - -	John Elliot Pasley Robertson.
65	17	Dwelling House and Offices.	- - -	- - -	Maurice Charles Merttins Swabey, Jesse Adams.
66	—	The Hall and Library -	- - -	- - -	The Fellows and Members of the College of Advocates and Doctors of Law.
67	—	The Court - - -	The Dean and Chapter of the Cathedral Church of St. Paul, in London, William Calverley Curteis, Frederick Thomas Pratt, and others, Trustees for the Fellows and Members of the College of Advocates and Doctors of Law.	- - -	The Fellows and Members of the College of Advocates and Doctors of Law, the High Court of Admiralty.
68	—	The Garden - - -			The Fellows and Members of the College of Advocates and Doctors of Law.
69	—	Store Sheds in Back Commons.		- - -	
70	—	The Back Commons and Gateway to Church Court.			
71	—	The several Areas or open Courts, Passages, and Ways within the College of Advocates -		- - -	

Court of Probate, &c. (Acquisition of Site).

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
72	—	Public Streets and Ways -	The Commissioners of Sewers, Lamps, and Pavements for the City of London.	- - -	The Commissioners of Sewers, Lamps, and Pavements for the City of London, the New River Water Company, the Great Central Gas Consumers Company, the City of London Gas Light Company, the Public.

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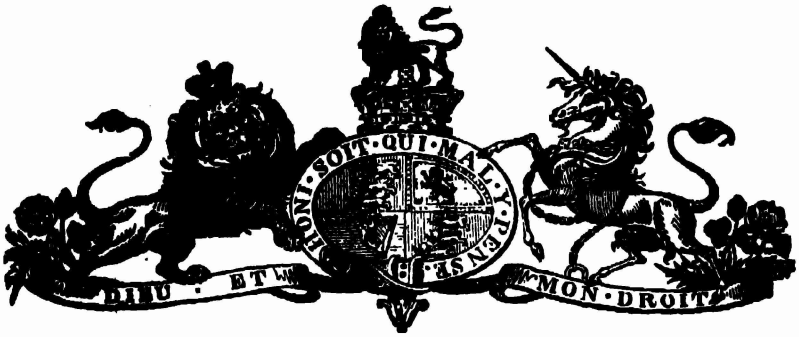

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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or detained in Custody, or has been bound by Recognizance to appear to answer to an Indictment to be preferred against him for such Offence, or unless such Indictment for such Offence, if charged to have been committed in *England*, be preferred by the Direction or with the Consent in Writing of a Judge of One of the Superior Courts of Law at *Westminster*, or of Her Majesty's Attorney General or Solicitor General for *England*, or unless such Indictment for such Offence, if charged to have been committed in *Ireland*, be preferred by the Direction or with the Consent in Writing of a Judge of One of the Superior Courts of Law in *Dublin*, or of Her Majesty's Attorney General or Solicitor General for *Ireland*, or (in the Case of an Indictment for Perjury) by the Direction of any Court, Judge, or public Functionary authorized by an Act of the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred, to direct a Prosecution for Perjury.

14 & 15 Vict. c. 100.

In certain Cases where Prosecutor desires to prefer an Indictment Justice to take his Recognizance to prosecute.

II. That where any Charge or Complaint shall be made before any One or more of Her Majesty's Justices of the Peace that any Person has committed any of the Offences aforesaid within the Jurisdiction of such Justice, and such Justice shall refuse to commit or to bail the Person charged with such Offence to be tried for the same, then in case the Prosecutor shall desire to prefer an Indictment respecting the said Offence, it shall be lawful for the said Justice and he is hereby required to take the Recognizance of such Prosecutor to prosecute the said Charge or Complaint, and to transmit such Recognizance, Information, and Depositions, if any, to the Court in which such Indictment ought to be preferred, in the same Manner as such Justice would have done in case he had committed the Person charged to be tried for such Offence.

Act not to extend to Scotland.

III. This Act shall not extend to *Scotland*.

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CAP. XVIII.

An Act for granting to Her Majesty additional Rates of Income Tax; and to reduce the Period of Credit allowed for Payment of the Excise Duty on Malt. [13th *August* 1859.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several Rates and Duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In addition to the Rates and Duties granted and now chargeable under the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and

Additional Rates of Income Tax granted on Assessments made on the

Amount of annual Profits.

and Offices, there shall be charged, collected, and paid, for and in respect of all Property, Profits, and Gains charged or chargeable under the said Act, either by Assessment, Contract of Composition, or otherwise, the following additional Rates and Duties; that is to say, upon any Assessment made on the annual Value or Amount of any Property, Profits, or Gains (except Property, Profits, and Gains chargeable under Schedule (B.) of the said Act,) the additional Rate or Duty of Fourpence for every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains respectively; and for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, the additional Rate or Duty of Twopence in *England*, and of One Penny Halfpenny in *Scotland* and *Ireland* respectively, for every Twenty Shillings of the annual Value thereof; and such additional Rates and Duties respectively shall be collected and paid with and over and above the First Moiety of the Duties assessed or charged under the said Act.

Additional Rates of Duty to be charged on half-yearly and quarterly Assessments.

II. Provided always, That where any Dividends, Interest, or other Profits or Gains becoming due or payable half-yearly are assessed or charged half-yearly with the Rate or Duty under the said Act, there shall be charged upon the first Assessment or Charge which shall be hereafter made on such Dividends, Interest, Profits, and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the half-yearly Amount thereof; and where any Profits or Gains becoming due or payable quarterly are assessed or charged quarterly with the Rate or Duty under the said Act, there shall be charged upon the first Two quarterly Assessments or Charges respectively which shall be hereafter made on such last-mentioned Profits and Gains the additional Rate or Duty of Eightpence for every Twenty Shillings of the quarterly Amount of such last-mentioned Profits and Gains; and the said additional Rates and Duties charged in such half-yearly and quarterly Assessments respectively shall be collected and paid with and over and above the Rates and Duties assessed or charged therein respectively under the said Act.

Relief to Persons whose Incomes are under 150*l.* a Year.

III. Provided always, That every Person who shall claim, and prove in the Manner prescribed by the Acts now in force relating to the Income Tax, that his total annual Income from every Source, although amounting to One hundred Pounds or upwards, is less than One hundred and fifty Pounds a Year, shall be entitled to be relieved from so much of the said additional Rates and Duties assessed upon or paid by him under this Act as shall exceed the Rate of One Penny

Penny Halfpenny for every Twenty Shillings of his annual Profits or Gains, and such Relief shall be given in the Manner directed by the said Acts.

Provisions of former Acts to be applied.

IV. The additional Rates and Duties by this Act granted shall be charged, raised, levied, and collected under the Regulations and Provisions of the said Act of Parliament herein-before mentioned and of the several Acts therein referred to, and also of any Act or Acts subsequently passed explaining, amending, or continuing the said first-mentioned Act; and all Powers, Authorities, Rules, Regulations, Penalties, Clauses, Matters, and Things contained in or enacted by the said several Acts, and in force with respect to the Rates and Duties granted by the said first-mentioned Act, shall (so far as the same are or may be applicable consistently with the express Provisions of this Act) respectively be duly observed, applied, and put in execution, *mutatis mutandis*, for charging, levying, collecting, receiving, accounting for, and securing the said Rates and Duties hereby granted, and otherwise relating thereto.

Deduction to be made on Payment of Interest, &c.

V. The additional Rates and Duties by this Act granted and imposed shall be deemed to be charged in respect of the Half Year ending on the Tenth Day of *October* One thousand eight hundred and fifty-nine; and every Person liable to the Payment of Rent or any yearly Interest of Money, or any Annuity or other annual Payment, either as a Charge on any Property or as a personal Debt or Obligation, whether the same shall be received or payable half-yearly or at any shorter or more distant Period, shall be entitled and is hereby authorized, on making such Payment in respect of so much thereof as has accrued or shall have accrued for or during any Period of the said Half Year, to deduct and retain thereout (over and above any other Deduction to which he may be entitled under any other Act) the additional Rate of Duty by this Act granted and imposed, that is to say, at the Rate of Eightpence for every Twenty Shillings of such Payment, and where he has made or shall have made any such Payment without making such Deduction as aforesaid he shall be entitled to recover and receive the Amount thereof from the Person to whom such Payment shall have been made.

Provision for Allowance of Duty to Persons in respect of deferred Annuities extended to the like Annuities contracted for with

VI. And whereas by the Fifty-fourth Section of the said Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Thirty-four, Provision is made for Deduction, Abatement, Allowance, or Repayment of Duty in favour of any Person who should have contracted for any deferred Annuity on his own Life or on the Life of his Wife in or with any such Insurance Office as in the said Act is mentioned: The Benefit and Advantage of such Provision shall

the Commissioners for the Reduction of the National Debt.

shall be and is hereby extended and granted to any Person who has or shall have contracted for any such deferred Annuity as aforesaid with the Commissioners for the Reduction of the National Debt.

Reduction of the Period of Credit allowed for Payment of Excise Duty on Malt.

VII. And in respect of all Malt begun to be made on or after the First Day of *October* One thousand eight hundred and fifty-nine, the Time limited for Payment of the Duty of Excise on Malt by every Maltster or Maker of Malt who shall have given Security by Bond in the Manner directed by the Act passed in that Behalf shall be Twelve Weeks, in lieu of Eighteen Weeks after the making of such Account or Return, as in the said Act is mentioned; and no Person shall be entitled to any Credit for Payment of the Duty of Excise on Malt unless he shall give such Security as aforesaid, by Bond conditioned for Payment of the said Duty within the Period limited by this Act; and every such Bond shall be taken in such Sum as the Commissioners of Inland Revenue, or the Persons appointed by them for that Purpose, shall deem to be sufficient in that Behalf.

Discount to be allowed to Maltsters in consideration of the Reduction of Credit.

VIII. And in consideration of the Reduction in manner aforesaid of the Period of Credit allowed by Law for Payment of the Duty of Excise on Malt, the Commissioners of Inland Revenue shall allow to every such Maltster or Maker of Malt who shall have given such Security as aforesaid a Rebate or Discount after the Rate of Four *per Cent. per Annum* for the Period of Six Weeks upon the Amount of Charge upon such Maltster or Maker of Malt in respect of all Malt made by him on or after the First Day of *October* One thousand eight hundred and fifty-nine, and before the First Day of *April* One thousand eight hundred and sixty, provided he shall duly pay the Amount of such Charge within the Time appointed by the Law and Usage of Excise in that Behalf.

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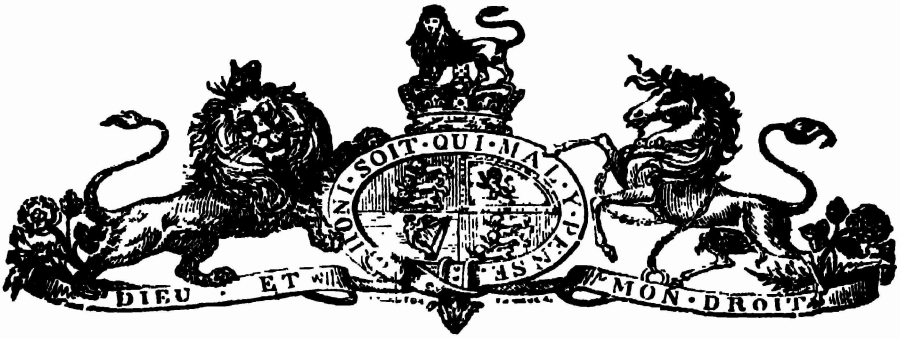

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Year of Her Highness's most Gracious Reign, and also all other Letters Patents by any of the Progenitors or Predecessors of our said Sovereign Lady made to either of the said corporated Bodies, severally, or to any of their Predecessors of either of the said Universities, by whatsoever Name or Names the said Chancellor, Masters, and Scholars of either of the said Universities, in any of the said Letters Patents had been theretofore named, should from thenceforth be good, effectual, and available in the Law to all Intents, Constructions, and Purposes to the foresaid then Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors for evermore, after and according to the Form, Words, Sentences, and true Meaning of every of the same Letters Patents, as amply, fully, and largely as if the same Letters Patents had been recited verbatim in that present Act of Parliament, anything to the contrary in anywise notwithstanding; and it was further enacted, that all manner of Instruments, Indentures, Obligations, Writings Obligatory, and Recognizances made or acknowledged by any Person or Persons or Body Corporate to either of the said corporated Bodies of either of the said Universities, by what Name or Names soever the said Chancellor, Masters, and Scholars of either of the said Universities had been theretofore called in any of the said Instruments, Indentures, Obligations, Writings Obligatory, or Recognizances, should be from thenceforth available, stand and continue of good, perfect, and full Force and Strength to the then Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors, to all Intents, Constructions, and Purposes, although they or their Predecessors, or any of them, in any of the said Instruments, Indentures, Obligations, Writings Obligatory, or Recognizances were named by any Name contrary or diverse to the Name of the then Chancellor, Masters, and Scholars of either of the said Universities; and it was also enacted, that as well the said Letters Patents of the Queen's Highness's said Father, King *Henry* the Eighth, bearing Date as was before expressed, made and granted to the said corporated Body of the said University of *Oxford*, as the Letters Patents of the Queen's Majesty aforesaid granted to the Chancellor, Masters, and Scholars of the University of *Cambridge*, bearing Date as aforesaid, and all other Letters Patents by any of the Progenitors or Predecessors of Her Highness, and all manner of Liberties, Franchises, Immunities, Quietances, and Privileges, Leets, Law Days, and other Things whatsoever therein expressed, given, or granted to the said Chancellor, Masters, and Scholars of either of the said Universities, or to any of their Predecessors of either of the said Universities, by whatsoever Name the said Chancellor, Masters, and Scholars of either of the said Universities in any of the said Letters Patents be named, were and by virtue of that present Act should be from

from thenceforth ratified, stablished, and confirmed unto the said Chancellor, Masters, and Scholars of either of the said Universities, and to their Successors for ever, any Statute, Law, Usage, Custom, Construction, or other thing to the contrary in anywise notwithstanding: Provided always, and it was enacted, that the said Act or anything therein contained should not extend to the Prejudice or Hurt of the Liberties and Privileges of Right belonging to the Mayors, Bailiffs, and Burgesses of the Town of *Cambridge* and City of *Oxford*, but that they the said Mayors, Bailiffs, and Burgesses, and every of them, and their Successors, should be and continue free, in such Sort and Degree, and enjoy such Liberties, Freedoms, and Immunities, as they or any of them lawfully might have done before the making of that present Act, anything contained in the said Act to the contrary notwithstanding: And whereas by Letters Patent, dated the Twenty-ninth Day of *May* in the Thirty-second Year of the Reign of His late Majesty King *Henry* the Third, the said King did grant to the Scholars of the University of *Oxford*, amongst other things, that so often and whensoever the Mayor and Bailiffs of *Oxford* should take the Oath of their Fealty in their common Place, the Commonalty of the same Town should inform the Chancellor, in order that, if he wished, by himself or by some chosen Persons, he might be present at the taking of the aforesaid Oath, which Oath indeed as to the aforesaid Scholars should be of this Sort, that is to say, that the Mayor and Bailiffs themselves should keep the Liberties and Customs of the aforesaid University, otherwise their Oath should be of no Avail, but should be taken again according to the prescribed Form; but if the Chancellor should not wish to be present, either by himself or by a Proctor, the Oath should nevertheless be taken: And whereas Provisions in relation to the Observance of the same Oath, or an altered Oath in lieu thereof, have been made by subsequent Letters Patent granted by Kings and Queens of this Realm to the Chancellor, Masters, and Scholars of the University of *Oxford*, and also by Orders of the Privy Council made in the Reigns of Queen *Elizabeth*, King *James* the First, and King *Charles* the Second: And whereas by the Statutes of the University of *Oxford*, which the Chancellor and Vice-Chancellor of the University have taken their respective Oaths to observe and perform, it is enjoined on each of them that they do exact the said annual Oath of the Mayor and Burgesses of *Oxford*: And whereas the Mayor, Aldermen, and Citizens of the City of *Oxford* desire to be relieved from the Obligation of taking any such Oath, and the Chancellor, Masters, and Scholars of the University of *Oxford* are willing that the said Mayor, Aldermen, and Citizens should be so relieved, but they are advised that such Relief can only be granted by the Authority of Parliament: Be it therefore enacted by the

Queen's

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Repeal of Duty to take Oath.

I. So much of the herein-before recited Act of Parliament, and of all Charters, Letters Patent, Orders in Council, Obligations, Deeds, or Instruments, as imposes upon the said Mayor, Aldermen, and Citizens, or any of them, or any Municipal Officer of the City of *Oxford*, the Obligation of taking any Oath for the Conservation of the Liberties and Privileges of the University of *Oxford*, or any such Oath as is herein-before referred to, shall be and the same is hereby repealed and annulled and made void.

Prohibition of any Requisition to Mayor, &c. to take Oath.

II. The Mayor, Aldermen, and Citizens of *Oxford* shall not hereafter, nor shall any of them, nor shall any Municipal Officer of the City of *Oxford*, be required to take any Oath or to make any Declaration for the Conservation of the Liberties and Privileges of the University of *Oxford:* Provided always, that, notwithstanding anything herein contained, the Mayor, Aldermen, and Citizens of *Oxford*, and all Officers of the same City, shall observe and keep all manner of lawful Liberties and Customs which the Chancellor, Masters, and Scholars of the said University have reasonably used, without any Gainsaying; saving, nevertheless, the Fidelity of the said Mayor, Aldermen, Citizens, and Officers to the Queen's Majesty, and saving also the Liberties and Privileges of Right belonging to the said Mayor, Aldermen, and Citizens, and to the Officers of the said City.

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CAP. XX.

An Act to amend and consolidate the Laws relating to Military Savings Banks.

[13th *August* 1859.]

WHEREAS an Act was passed in the Session holden in the Fifth and Sixth Years of Her Majesty, "to establish "Military Savings Banks," and an Act was passed in the Session holden in the Eighth and Ninth Years of Her Majesty, to amend the first-mentioned Act, and an Act was passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, "to dissolve Regimental Benefit Societies, and to provide for the "Application of the Funds of such Societies and of Regimental "Charitable Funds:" And whereas it is expedient to amend and consolidate the said Acts, and to confirm or render valid all Acts that may have been done under the Authority of the Secretary-at-War, or Her Majesty's Principal Secretary of State for the War Department, in relation to the Military or Regimental Savings Banks already established, and the Deposits therein, and the Payments of Principal and Interest in respect of such Deposits: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

5 & 6 Vict. c. 71.

8 & 9 Vict. c. 27.

12 & 13 Vict. c. 71.

I. The

Military Savings Banks.

Recited Acts repealed. Acts done confirmed.

I. The said Acts shall be repealed, save as herein otherwise provided: Provided always, that such Repeal shall not affect any Deposit made or other Act done under the Authority of the said Acts or any of them before such Repeal takes effect; and all Acts done under the Authority of any Rules made in manner provided by Section Three of the firstly herein-before mentioned Act, or under the Authority of the Secretary-at-War, before such Repeal takes effect, in relation to the Deposits made in Military or Regimental Savings Banks theretofore established, and all Payments of Principal and Interest made in respect of such Deposits, shall be and be deemed to have been legal and valid.

Military Savings Banks may be established.

II. It shall be lawful for Her Majesty, in manner herein-after mentioned, to establish or continue Military or Regimental Savings Banks, for the Purpose of receiving Sums of Money from such of the Non-commissioned Officers and Soldiers employed in Her Majesty's Service, either in the United Kingdom or upon Foreign Stations, (*India* alone excepted,) as may be desirous of depositing the same, and for receiving Deposits of any Moneys or Funds whatsoever raised or paid for Objects or Purposes connected with Non-commissioned Officers and Soldiers which Her Majesty may from Time to Time think fit to authorize to be deposited in the said Savings Banks.

Regulations for Savings Banks, how to be made.

III. Regulations for the Savings Banks so to be established or continued shall from Time to Time be made by the Secretary-at-War, with the Concurrence of the General Commanding in Chief and of the Commissioners of Her Majesty's Treasury; and such Regulations, when sanctioned by Her Majesty, shall be signed by the Secretary-at-War, and laid before both Houses of Parliament; and a Copy of such Regulations shall be deposited in the Orderly Room of every Regiment to which they apply; and such Regulations shall be binding upon all Officers concerned, and upon the several Depositors in the said Savings Banks and upon their Representatives.

What to be provided for by the Regulations.

IV. Such Regulations shall or may (as the Case may require) make Provision in relation to the following Matters; (that is to say,)

Shall regulate and determine the Rate of Interest to be paid to Depositors, not exceeding the yearly Rate of Three Pounds Fifteen Shillings for every One hundred Pounds, and what (if any) fractional Parts of a Pound or Sums less than a Pound shall bear Interest, and what Length of Time Deposits must remain in order to bear Interest, and at what Times Interest shall be added to Principal so as to become Principal, in like Manner as if the same had been paid to the Depositor and been again

again deposited, and what Deposits may be received upon which Interest shall not be payable;

May determine in what Cases or under what Circumstances Deposits and the Interest (if any) thereon shall be forfeited to the Public;

May make Provision for and concerning the Retention or Deposit in the Military or Regimental Savings Banks of the Effects of deceased Non-commissioned Officers or Soldiers, or the Money arising therefrom, at Interest or without Interest, and for the Payment or Application thereof and of the Interest thereon to or for the Benefit of the Orphans of such Non-commissioned Officers or Soldiers or other Persons entitled to the same;

May make Provision for and concerning the Deposit of Funds created for Charitable Regimental Purposes by Subscriptions of Officers, unexpended Balances of Canteen Funds, or otherwise, and of any Funds or Moneys created, raised, or paid in any Manner whatsoever for Objects or Purposes connected with Non-commissioned Officers or Soldiers, and concerning the Manner in which such Funds or Moneys, and the Interest thereon, shall be paid, applied, or distributed;

May make it obligatory on Commanding Officers of Regiments and others to deposit such Funds or Moneys in the said Savings Banks, and to account to the Secretary-at-War or otherwise for the same, and the due Application thereof;

May make Provision for the Withdrawal from the said Savings Banks for the Purpose of Transfer to *India* of any Money whatsoever deposited in the said Savings Banks, and the Accumulations of Interest thereon, upon the Occasion of Regiments proceeding to *India*;

And shall provide for the keeping of proper Accounts, and generally for all such Matters in relation to the said Savings Banks and Deposits therein as may be thought proper;

And such Regulations shall be made as well with reference to Deposits already made in the Savings Banks established under the firstly herein-before mentioned Act and Charitable Regimental Funds already paid into the Bank of *England* under the thirdly herein-before mentioned Act as to Deposits to be made under this Act:

Provided always, that Deposits by any individual Depositor in any One Year, (ending on such Day as may be in the Regulations mentioned,) exceeding Thirty Pounds in the whole (exclusive of Interest added), shall not bear Interest until after the End of such Year, except only in the Case of Deposits of Gratuities awarded for good Conduct or otherwise, and that while the Sums standing in the Name of any individual Depositor (inclusive of Interest, if any,) amount to or exceed Two hundred Pounds no Interest shall accrue on any Sum in

in Excess of that Amount standing in his Name; but this Proviso shall not apply to or in the Case of Money retained or deposited in a Military or Regimental Savings Bank after the Death of a Non-commissioned Officer or Soldier, for the Benefit of his Orphans or other Persons entitled to his Effects, or to or in the Case of Funds or Moneys created, raised, or paid for Charitable Regimental Purposes, or for such Objects or Purposes as herein-before mentioned.

Receipts of Infants and Married Women.

V. The Receipt of any Infant for any Money deposited in any such Savings Bank, or for any Interest thereon, shall be a sufficient Discharge, notwithstanding his Incapacity or Disability in Law to act for himself; and any Payment in respect of any Deposit or Interest thereon which may be made to any Married Woman, under any Regulations made under this Act, shall be deemed a valid Payment, and her Receipt shall be a sufficient Discharge.

Deposits to be applied to Public Expenditure, and Payments made out of Grants for ordinary Services.

VI. The Moneys deposited in Military or Regimental Savings Banks shall be applied under the said Regulations by the Officers or Persons authorized to receive the same to the Payment of such ordinary Army Services as it may be their Duty to defray, and all Sums from Time to Time payable to Depositors or otherwise under the said Regulations for Principal and Interest in respect of Moneys so deposited under the said Acts or any of them, or this Act, or paid into the Bank of *England* under the thirdly herein-before mentioned Acts, shall be paid out of the Grants by Parliament for ordinary Army Services.

Secretary-at-War to direct certain Moneys to be paid to the Account of the Commissioners for the Reduction of the National Debt, and carried to the Account of the Military Savings Banks.

VII. It shall be lawful for the Secretary-at-War from Time to Time to authorize, by his Warrant, Payment out of the Moneys granted for Army Services, and placed to the Account of the Paymaster General at the Bank of *England*, of the Amount of the Money received and applied for the Public Service under this Act, together with the Interest allowed thereon, to the separate Account raised under the secondly herein-before mentioned Act in the Names of the Commissioners for the Reduction of the National Debt in the Books of the Governor and Company of the Bank of *England*, and denominated "The Fund for the Military Savings Banks," and to authorize in like Manner Payment as aforesaid to such last-mentioned Account of the Amount of the Money so received, and applied under the Acts hereby repealed, or any of them, with Interest, as aforesaid, so far as such Payment may not have been already authorized under such Acts or any of them; and in ascertaining the Amount of which Payment is to be so authorized Deduction or Allowance shall be made in respect of Payments previously made to Depositors or otherwise in respect of Deposits; and

and the Cashier of the Bank of *England* is hereby required to pay or transfer the Amount mentioned in every such Warrant from the Account of the Paymaster-General to such separate Account accordingly: Provided always, that previous to any Payment or Transfer being made as aforesaid to such separate Account, the Person applying for that Purpose shall in all Cases produce to the Officer of the last-mentioned Commissioners, at their Office in *London*, a Warrant from the Secretary-at-War, stating that the Money mentioned therein is Part of the Funds of the Military Savings Banks.

Investment of such Moneys.

VIII. The Commissioners for the Reduction of the National Debt shall cause all the Moneys placed to their Account, in pursuance of this Act, or which may have been placed to their Account under the Acts hereby repealed or any of them, and may not have been invested before the Repeal of such Acts takes effect, to be invested from Time to Time, under such Regulations as such Commissioners may direct, in the Purchase of any Bank Annuities in their Names, and to be carried to the Account raised in their Names under the secondly herein-before mentioned Act; and the Interest or Dividends to arise from Time to Time and become due on any Bank Annuities purchased under this Act or the Acts hereby repealed, or any of them, shall in like Manner be invested in the Purchase of Bank Annuities; and such Interest or Dividends shall not be subject or liable to any Taxes, Charges, or Impositions whatever.

Secretary-at-War may direct Moneys invested in Annuities to be transferred to Account of Paymaster General.

IX. It shall and may be lawful for the Secretary-at-War, by his Warrant, to require that, within Fourteen Days from the Day on which the same is lodged at the Office of the Commissioners for the Reduction of the National Debt, the whole or any Part of the Bank Annuities standing in the Books of the Bank of *England* in the Names of such Commissioners and to the Account aforesaid shall be sold, and the Produce thereof paid to the Account of the Paymaster General at the Bank of *England*.

Commissioners for Reduction of National Debt empowered to sell.

X. It shall and may be lawful for such Commissioners, on the Requisition aforesaid of the Secretary-at-War, to sell from Time to Time any Part of the said Bank Annuities which may be standing in their Names in the Books of the Bank of *England* in pursuance of the Acts hereby repealed or any of them, or this Act, and the Certificate of the Cashier of the Bank of *England* of the Money having been placed to the Account of the Paymaster General shall be a full and sufficient Discharge to such Commissioners.

Provisions as to Money arising from

XI. And whereas by the said Act of the Twelfth and Thirteenth Years of Her Majesty, Provision was made for an equitable Distribution

 of

a dissolved Benefit Society.

of the Funds of certain Regimental Benefit Societies thereby determined, and for placing the Sum to which each existing Subscriber might be declared entitled in the Savings Bank, established under the firstly herein-before mentioned Act in the Regiment to which he belonged, to accumulate for him until his Discharge; and it was by the Act now in recital enacted, that upon its being proved to the Satisfaction of the Secretary-at-War, upon the Recommendation of the Commanding Officer of the Regiment, that it would be of advantage to a Soldier to withdraw his Portion of the said Fund, including any Accumulations thereon, from the Regimental Savings Bank before his Discharge, it should be lawful for the Secretary-at-War to sanction such Withdrawal, and such Portion might be withdrawn accordingly:

The Repeal of the said Act of the Twelfth and Thirteenth Years of Her Majesty shall not affect the said Provisions concerning the Sums so placed as aforesaid in any Savings Bank.

Officers of Savings Banks not personally liable, except for their own Acts.

XII. No Person having any Control in the Management of any Savings Bank established or continued under this Act shall be personally liable, except for his own Acts, nor shall any such Person be personally liable for anything done by him in virtue of his Office in the Execution of this Act, except in Cases where he is guilty of wilful Neglect or Default.

Accounts to be laid before Parliament.

XIII. An Account of the Amount of all Sums deposited under the Acts hereby repealed, or any of them, or this Act, within the Year ended on the Thirty-first Day of *March* preceding, and of the Amount of all Sums withdrawn during the same Period, and of the Interest allowed upon such Deposits, and also of the Number of Accounts open on the said Thirty-first Day of *March*, with such other Particulars as Her Majesty may be pleased from Time to Time to order, shall be annually prepared by the Secretary-at-War, and rendered to the Commissioners of Her Majesty's Treasury, and shall be laid before both Houses of Parliament before the First Day of *April* in every Year, if Parliament be then sitting, or if Parliament be not sitting, then within Fourteen Days after the next Meeting of Parliament; and the gross Amount of all Moneys received and paid by the Commissioners for the Reduction of the National Debt, under the Authority of the said Acts hereby repealed, or any of them, or this Act, prepared up to the Fifth Day of *January* in every Year, shall also be annually laid before both Houses of Parliament on or before the said First Day of *April*, or within such Period as aforesaid.

Military Savings Banks not to be within

XIV. The Savings Banks established under the firstly herein-before recited Act, and to be established or continued under this Act, shall

shall not, nor shall any Moneys which have been placed to the Account or have come to the Hands of the Commissioners for the Reduction of the National Debt, under the Acts hereby repealed or any of them, or which may be placed to the Account or come to the Hands of such Commissioners under this Act, be taken to be within the Provisions of an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, or of any other Act heretofore passed relating to Savings Banks.

the Provisions of 9 G. 4. c. 92. or other Acts.

XV. In the Construction of this Act "*India*" shall have the same Meaning as under Section One of the Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and six.

As to the Word "India."

XVI. This Act shall, as regards the making of Regulations for Savings Banks thereunder, take effect immediately after the passing hereof, and in all other respects shall take effect from the Time at which the Regulations first made shall be therein appointed to come into operation.

Commencement of Act.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ

****

CAP. XXI.

An Act to regulate the Office of Queen's Remembrancer, and to amend the Practice and Procedure on the Revenue Side of the Court of Exchequer. [13th *August* 1859.]

WHEREAS an Act was passed in the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-six, "for abolishing certain Offices on the Revenue Side "of the Court of Exchequer in *England*, and for regulating the Office "of Her Majesty's Remembrancer in that Court:" And whereas the Office of the said Remembrancer may be conveniently held and the Duties thereof performed by One of the Masters of the said Court, and the Commissioners of Her Majesty's Treasury have, upon the Retirement of *Henry William Vincent* Esquire, appointed *William Henry Walton* Esquire, One of the said Masters, to the said Office of Remembrancer: And whereas it is expedient further to regulate the said Office, and to make other Provision in relation thereto, and to the Procedure on the Revenue Side of the said Court: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

5 & 6 Vict. c. 86.

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appointment of Queen's Remembrancer.

I. The said Appointment of the said *William Henry Walton* shall be confirmed, and he may continue to hold the Office of Her Majesty's Remembrancer during good Behaviour, together with the Office of Master; and upon any Vacancy in the said Office of Remembrancer it shall be lawful for the Commissioners of Her Majesty's Treasury to appoint from Time to Time One of the Masters of the Court of Exchequer to be such Remembrancer, and such Master shall hold such Office together with the Office of Master: Provided, that in the Absence of the Remembrancer from Illness or other Cause the Senior Master for the Time being in attendance may perform the Duties of the Office of Remembrancer.

The Treasury to regulate Establishment and to fix Salaries.

II. It shall be lawful for the Commissioners of Her Majesty's Treasury, with the Consent of the Lord Chief Baron of the Court of Exchequer, as soon as conveniently may be after the passing of this Act, to reduce or regulate the Establishment under Her Majesty's Remembrancer, and to fix or alter the Salaries of the Remembrancer and the Clerks and other Persons employed in such Establishment, and from Time to Time, and with the like Consent, further to regulate or alter such Establishment and Salaries as Occasion may require.

Power to the Treasury to award Compensation.

III. Any Officer or other Person who may suffer Loss through the Reduction or Regulation of such Establishment may make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners, if such Claim be established to their Satisfaction, shall award to the Claimant such Compensation as under the Circumstances of the Case they think him entitled to, either by a gross Sum or by way of Annuity.

Salaries and Expenses of Office to be paid out of the Fees.

IV. The Salaries and Compensation Allowances payable under this Act, together with the necessary Expenses of the Office of the Remembrancer, shall be paid out of the Fees received in the said Office; and the Surplus of such Fees, after the Payment of such Salaries, Allowances, and Expenses, shall be paid into the Receipt of the Exchequer, to the Credit of the Consolidated Fund of the United Kingdom; and in the event of the Fees so received being at any Time insufficient to defray the said Salaries, Allowances, and Expenses, the Amount of such Deficiency shall be paid out of the Superior Courts Fee Fund, and, in case of a Deficiency in such Fund, out of such Monies as shall be provided by Parliament for that Purpose.

V. The

V. The Provisions of the said Act of the Fifth and Sixth Years of Her Majesty concerning the fixing and altering of Fees from Time to Time, and Accounts of Fees and otherwise, shall continue in force, subject to the Provisions of this Act.

Provisions of 5 & 6 Vict. c. 86. as to Fees to continue in force.

VI. No Account shall be transmitted to the Office of Her Majesty's Remembrancer or be there enrolled as of Record, pursuant to Section Seven of the Act of the Session holden in the First and Second Years of King *George* the Fourth, Chapter One hundred and twenty-one, except where the Commissioners for auditing the Public Accounts, in the Exercise of their Discretion, deem it expedient for the Public Service that such Account should be so enrolled for enabling the Recovery of any Balance or Interest due or to become due thereon.

Enrolment of Accounts under 1 & 2 G. 4. c. 121. to be in the Discretion of the Commissioners of Audit.

VII. So much of the Act of the Seventh Year of Queen *Anne*, Chapter Twenty, as makes the Queen's Remembrancer or his Deputy in the Court of Exchequer One of the Registers or Masters of the Office for the Matters and Things in that Act contained, shall be repealed, and the Registers or Masters of such Office shall account for and pay over to the said Remembrancer such Portion of the Monies received under that Act, after Payment thereout of such Sum or Sums as may be payable in respect of the Allowance or Allowances to their Deputy or Deputies, as would have been payable to Her Majesty's Remembrancer if he had continued to be One of the said Registers or Masters, and the Monies so received by such Remembrancer shall be applied and accounted for in all respects as other Fees received in respect of his Office.

So much of 7 Ann. c. 20. as makes the Remembrancer One of the Registers, &c. repealed.

VIII. Any Money which under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Ninety-four, "to consolidate and amend the Laws relating to the Services of the "Ordnance Department, and the vesting and Purchase of Lands and "Hereditaments for those Services, and for the Defence and Security "of the Realm," is required or authorized to be paid into the Hands or in the Name of the Remembrancer or other proper Officer of Her Majesty's Court of Exchequer at *Westminster*, or which under the Act of the Session holden in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and seven, "The Customs Consoli-"dation Act, 1853," is required or authorized to be paid to the proper Officer of the Court of Exchequer at *Westminster*, shall in lieu of being paid as aforesaid be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there in the Matter of the particular Act to the Credit of the Persons claiming to be interested therein (naming

Compensation Monies for Land under 5 & 6 Vict. c. 94. and 16 & 17 Vict. c. 107. to be paid into the Court of Chancery instead of to the Queen's Remembrancer.

(naming them), pursuant to the Method prescribed by any Act in force at the Time being for regulating the Payment of Monies into the said Court; and upon the filing in the Court of Chancery of the Certificate of such Accountant General, with the Receipt annexed, of the Payment into his Name as aforesaid of any such Money, the Hereditaments in respect whereof the same is paid shall become vested in the like Persons and in the like Manner and for the like Purposes as if such Money had been paid in manner provided by the said Acts of the Fifth and Sixth and Sixteenth and Seventeenth Years of Her Majesty respectively, and this Act had not been passed; and the Court of Chancery shall have the like Powers in relation to such Money as by the said Acts are given to the Barons of the Court of Exchequer, and the Provisions of the said Acts in relation to such Money shall be read and construed as referring to the Court of Chancery and the said Accountant General in the place of the Court of Exchequer and the said Remembrancer.

Sect. 22 of 15 & 16 Vict. c. 76. extended to Suits, &c. in Exchequer.

IX. Section 222 of the "Common Law Procedure Act, 1852," for the Amendment of Defects and Errors in any Proceeding in Civil Causes, and concerning the Costs and Terms of such Amendment, shall extend to all Suits and Proceedings on the Revenue Side of the Court of Exchequer.

Special Case may be stated by Consent of Parties and Order of a Judge.

X. In any Suit or Proceeding on the Revenue Side of the Court of Exchequer, the Parties may, at any Time before Judgment, by Consent, and Order of a Judge, state any Question or Questions of Law in a Special Case for the Opinion of the Court, without Pleadings, and upon Judgment thereon Error may be brought as on a Judgment on a Special Verdict, unless the Parties agree to the contrary, and the Proceedings for bringing a Special Case before the Court of Error shall, as nearly as may be, be the same as in the Case of a Special Verdict, and the Court of Error shall either affirm the Judgment or give the same Judgment as ought to have been given in the Court in which it was originally decided, the said Court of Error being required to draw any Inferences of Fact from the Facts stated in such Special Case, which the Court below ought to have drawn.

Costs to follow Event unless otherwise agreed.

XI. In case no Agreement shall be entered into as to the Costs of such Special Case and Proceedings, the Costs shall follow the Event, and be recovered by the successful Party.

Appeal from Assessments of Succession Duty may be carried to a Superior Court.

XII. In Cases of Appeal from the Assessment of the Commissioners of Inland Revenue to the Court of Exchequer, made under the Provisions of the Succession Duty Act, 1853, the Party decided against may appeal from the Decision of the Court upon a Case to be stated by the Parties, or, if they differ, to be settled by the Court,

Court, or a Judge thereof, or any Officer to whom the Court may think proper to refer the same; and the Court of Appeal shall give such Judgment as ought to have been given by the Court of Exchequer, and shall have Power to adjudge the Payment of Costs.

Courts of Appeal.

XIII. Such Appeal as aforesaid shall be made to the Court of Error in the Exchequer Chamber, and the Decision of the said Court of Error shall be subject to appeal to the House of Lords.

Notice of Appeal to be given.

XIV. No such Appeal shall be allowed under this Act unless Notice thereof be given in Writing to the opposite Party or Attorney, and to the proper Officer of the Court, within Four Days after the Decision complained of, or such further Time as may be allowed by the Court or Judge.

In summary Proceedings for Legacy or Succession Duty Parties may appeal.

XV. In any Proceeding in the Court of Exchequer by Writ of Summons under the Succession Duty Act, 1853, or by Rule under any of the Legacy Duty Acts, the Court may refer the Matter to the proper Officer to report thereon, and may, if they deem it expedient, order the Facts contained in such Report to be stated in the Form of a Special Case for the Opinion of the Court, and may give such Directions as to the Mode of settling the Case, and the Matters to be contained therein, and for the Production of such Documents, and may direct any Issue or Issues of Fact to be tried by a Jury, as they may think proper, and the Court may proceed to give Judgment on such Case, and for any Amount of Duty the Court are of opinion may be due to the Crown, and for Costs, in like Manner as on a Verdict on Information, and on such Judgment Error may be brought and Judgment given as on a Special Case stated by Consent.

Powers of 1 W. 4. c. 22, &c., as to Examination of Witnesses, and of Sections 46th, 47th, 48th, and 49th of 15 & 16 Vict. c. 76. extended to Revenue Proceedings.

XVI. All the Powers, Authorities, and Provisions contained in an Act passed in the First Year of the Reign of King William the Fourth, intituled *An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories*, and of the Act of the Thirteenth Year of King *George* the Third, recited therein, as to the Examination of Witnesses within and out of the Jurisdiction of the Superior Courts of Common Law at *Westminster*, and as to the Attendance of Witnesses, Production of Documents, Costs thereof, and other Matters relating to such Examinations, and all the Powers, Authorities, and Provisions contained in the Forty-sixth, Forty-seventh, Forty-eighth, and Forty-ninth Sections of the "Common Law Procedure Act, 1854," are hereby extended to all Suits and Proceedings on the Revenue Side of the said Court of Exchequer; and if upon any Examination under this Enactment any Person wilfully and

Persons giving false

 corruptly

Evidence guilty of Perjury.

corruptly give any false Evidence, he shall be deemed and taken to be guilty of Perjury, and shall and may be indicted and prosecuted for such Offence in the County where such Evidence is given, or in the County of *Middlesex* if the Evidence be given out of *England*.

Revenue Causes may be tried without a Commission.

XVII. From and after the passing of this Act it shall be lawful for all Justices of Assize, and they are hereby authorized and empowered, on their respective Circuits to try Suits and Proceedings pending on the Revenue Side of the Court of Exchequer, and to proceed thereon in like Manner as they can or may do in respect of Causes pending on the Plea Side of the said Court, and it shall not be necessary hereafter to issue any Commission from the Revenue Side of the said Court for that Purpose.

Error to be brought within Six Years.

Proviso as to Disabilities.

XVIII. No Judgment in any Cause on the Revenue Side of the Exchequer shall be reversed or avoided for any Error or Defect therein unless Error be commenced or brought and prosecuted with Effect within Six Years after such Judgment signed or entered of Record: Provided that if the Party entitled to bring Error be at the Time of such Title accrued within the Age of Twenty-one Years, Feme Covert, Non compos mentis, or beyond the Seas, the Court or a Judge may allow Error to be brought at any other Time.

Writ of Error abolished.

XIX. A Writ of Error shall not be necessary or used in any Suit or Proceeding in Error on the Revenue Side of the Court of Exchequer, and the Proceeding to Error shall be a Step in the Cause, and shall be taken in manner and subject as to such Terms and Conditions as to giving Bail or Security as may be directed by any Rule or Order made by the Barons under this or any other Act or Acts of Parliament authorizing the same; provided that nothing herein contained shall invalidate any Proceedings already taken or to be taken by reason of any Writ of Error issued before the Commencement of this Act, or before such Rules and Orders come into effect.

Bill of Exceptions.

XX. Either Party may tender a Bill of Exceptions on the Trial of any Issues arising on the Revenue Side of the Court, and the like Proceedings may be had and taken thereon as in such Cases between Subject and Subject.

Costs.

XXI. The Costs of all Suits, Informations, and other Proceedings, and of any interlocutory Matter or Proceeding on the Revenue Side of the Court of Exchequer, whether in Law or Equity, may be adjudged, decreed, or ordered by the Court or a Judge between the Crown and the Subject on the same Principles as such Costs are now allowed between Subject and Subject, so far as such Principles

Principles may be applicable, subject to such Rules and Orders as to the Allowance of such Costs as may be made by the Barons under this or any other Act of Parliament authorizing the same; and it shall be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby required to pay Costs directed to be paid by the Crown out of any Monies which may hereafter be voted by Parliament for that Purpose.

Defect in Form not to invalidate Pleadings.

XXII. No Pleading on the Revenue Side of the Court of Exchequer shall be deemed insufficient for any Imperfection, Omission, Defect in or Lack of Form, or formal Commencement or Conclusion, or for the Want or Omission of an Averment of any Matters unnecessary to be proved.

Process on Estreats may issue without reference to any Seal Day.

XXIII. Unless stayed by Order of the Court of Exchequer, or a Baron thereof, or by Warrant of the Commissioners of Her Majesty's Treasury, Process for duly levying and enforcing Payment of all Fines, Issues, Amerciaments, Penalties, and forfeited Recognizances, estreated into the Court of Exchequer and not lawfully vacated and discharged, may be issued by Her Majesty's Remembrancer at any Time or Times without reference to any Seal Day, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

Provision for the Recovery of a Debt of Record due to Her Majesty, where the Party liable resides in another Jurisdiction.

XXIV. For the Recovery of any Debt which by Record in Her Majesty's Court of Exchequer in *England* has become or shall become due to Her Majesty, in any Case where the Person of the Debtor, or the Estate or Effects of such Debtor, may be within the Jurisdiction of the Court of Exchequer in *Scotland* or *Ireland*, a Copy of the Record of such Debt may be exemplified and transmitted, under the Great Seal of the said Court of Exchequer in *England*, to such other of Her Majesty's said Courts of Exchequer having Jurisdiction in the Place where the Person liable to Payment of such Debt happens to reside, or where his Estate or Effects may be, and the Court to which such exemplified Copy is transmitted shall cause such Copy to be forthwith enrolled in the Rolls of the said Court; and upon the same being so enrolled, the said Court shall cause Execution or other Process to issue for recovering or levying the said Debt so due to Her Majesty, according to the Rules and Practice of such Court, in like Manner in all respects as if such Record had been originally entered or filed in such Court, or the said Debt had originally accrued within the Jurisdiction thereof; and the Proceeds of such Debt, when so recovered, shall be accounted for and paid over in the same Manner as if the same had been recovered within the Jurisdiction of the Court in which such Debt originally accrued.

XXV. When

The Crown may re-enter on Lands to enforce Right of Re-entry without Inquisition taken.

XXV. When a Right of Re-entry upon Lands or other Hereditaments shall have accrued to Her Majesty or Her Successors, such Right may be exercised or enforced without any Inquisition being taken or Office being found, or any actual Re-entry being made on the Premises.

Rules may be made by the Barons as to the Process, Practice, and Pleading in Revenue.

XXVI. It shall be lawful for the Lord Chief Baron and Two or more Barons of the Court of Exchequer from Time to Time to make all such Rules and Orders as to the Process, Practice, and Mode of Pleading on the Revenue Side of the Court, and as to the Allowance of Costs, and for the effectual Execution of this Act, and the Intention and Objects thereof, as may seem to them necessary and proper; and also from Time to Time by any such Rule or Order to extend, apply, or adapt any of the Provisions of the "Common Law Procedure Act, 1852," and the "Common Law Procedure Act, 1854," and any of the Rules of Pleading and Practice on the Plea Side of the said Court to the Revenue Side of the said Court, as may seem to them expedient for making the Process, Practice, and Mode of Pleading on the Revenue Side of the said Court as nearly as may be uniform with the Process, Practice, and Mode of Pleading on the Plea Side of such Court.

New Forms of Writs and Proceedings may be made.

XXVII. Such new or altered Writs and Forms of Proceedings and Scales of Costs for the Revenue Side of the said Court may be issued, altered, taken, and acted on as the said Lord Chief Baron and Barons shall from Time to Time think fit to order, and all such Writs and Proceedings shall be acted on and enforced in such and the same Manner as the Writs and Proceedings on the Revenue Side of the said Court are now acted on and enforced, or as near thereto as the Circumstances of the Case will admit; and any existing Form of Writ or Proceeding the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same force and virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied under the Powers of this Act.

Sect. 8 of 3 & 4 W. 4. c. 99. &c. requiring Sheriff's Accounts to be audited by Commissioners of Audit, repealed.

XXVIII. Section Eight of the Act of the Session holden in the Third and Fourth Years of King *William* the Fourth, Chapter Ninety-nine, and so much of any other Act as provides for the Examination and Audit of the Accounts of any Sheriff or Under Sheriff by the Commissioners for auditing the Public Accounts shall be repealed, so far as respects the Accounts of any Sheriff who may leave Office after the passing of this Act, and the Accounts of the Under Sheriff of any such Sheriff; and all Accounts of such Sheriffs and their Under Sheriffs

Sheriffs now required to be examined and audited by the said Commissioners shall be examined and audited by such Persons and in such Manner as the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, direct, and the Commissioners of the Treasury may, by any such Warrant, make all such Provisions in relation to the Transmission, Examination, and Audit of such Accounts, and for ascertaining and determining the Balances due from and the Discharge of the Persons accounting as to the said Commissioners may seem proper; and every such Warrant shall be laid before both Houses of Parliament within Fourteen Days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within Fourteen Days after the next Meeting of Parliament.

Transmission of Sheriffs Accounts.

XXIX. Subject to such other Provisions in this Behalf as may be made by any such Warrant as aforesaid, all Sheriffs and Under Sheriffs now required to transmit Accounts to the Commissioners for auditing the Public Accounts, in manner provided by Section Nine of the said Act of the Third and Fourth Years of King *William* the Fourth, shall, in lieu of transmitting the same to such Commissioners, transmit the same to the Commissioners of Her Majesty's Treasury: And so much of Section Thirty-one of the said Act as requires a Copy of the Accounts therein mentioned to be transmitted to the Commissioners for auditing Public Accounts is hereby repealed.

Form in Schedule to be substituted for that in Schedule (A.) to 3 G. 4. c. 46.

Construction of Sect. 1. of 4 G. 4. c. 37.

XXX. The Form of Writ in the Schedule to this Act shall be substituted for the Form in Schedule (A.) to the Act of the Third Year of King *George* the Fourth, Chapter Forty-six, and Section One of the Act of the Fourth Year of King *George* the Fourth, Chapter Thirty-seven, amending the said Act of the Third Year of the same Reign, shall be construed as if the Words "Lands or Tenements" were omitted therein.

Sect. 14. of 3 G. 4. c. 46. repealed.

XXXI. Section Fourteen of the said Act of the Third Year of King *George* the Fourth shall be and is hereby repealed.

Clerks of Assize now required to estreat Fines, &c. into the Exchequer, to send process to the Sheriff.

XXXII. The Clerks of Assize, and the Clerk of the Crown for the County Palatine of *Durham* and *Sadberge*, by whom respectively any Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited would, if this Act had not been passed, have been certified or estreated in or into the Exchequer, shall not so certify or estreat the same or transmit any Account thereof to the Commissioners for auditing the Public Accounts, but every such Clerk of Assize and such Clerk of the Crown respectively shall in the like Cases and at the like Times in and at which he would, if this Act had not been passed, have certified or estreated, such Fines, Issues, Amerciaments,

Penalties, and Recognizances as aforesaid, copy on a Roll such Fines, Issues, Amerciaments, Penalties, and Recognizances, together with the Names and Residences, Trades, Professions, or Callings of the Parties, and distinguish such as have been paid, and send a Copy of such Roll, with a Writ, according to the Form and Effect in the Schedule to this Act, to the Sheriff, Bailiff, or Officer of the County, City, Borough, or Place having Execution of Process therein in which the Parties liable to the Payment of such Fines, Issues, Amerciaments, Penalties, and Recognizances are stated to be resident, and such Copy and Writ shall be the Authority to such Sheriff, Bailiff, or Officer for proceeding to the immediate levying and recovering of such Fines, Issues, Amerciaments, Penalties, and Recognizances on the Goods and Chattels of such Parties, or for taking into Custody their Bodies in case sufficient Goods and Chattels be not found whereon Distress can be made for Recovery thereof; and every Person so taken shall be lodged in the Common Gaol until Payment be made or he be discharged by the Authority of the Commissioners of Her Majesty's Treasury, or otherwise in due course of Law; and it shall be competent for such Commissioners to give Authority under their Hands for such Discharge, either absolutely or on such Terms and Conditions as they may see fit: Provided always, that where the Residences of the Parties in such Roll liable as aforesaid are not all in One County, Borough, City, or Place, then a Copy of so much only of such Roll as relates to the Fines, Issues, Amerciaments, Penalties, and Recognizances to be paid by the Parties resident in each County, City, Borough, or Place shall be sent with such Writ as aforesaid to the Sheriff, Bailiff, or Officer having Execution of Process therein.

Oath of Clerk of Assize sending Process.

XXXIII. The Clerk of Assize and Clerk of the Crown respectively shall, before sending such Writ as aforesaid to any such Sheriff, Bailiff, or Officer, make Oath before a Judge of One of Her Majesty's Superior Courts of Record at *Westminster*, or before any Commissioner for taking Affidavits in the same Courts, or to administer Oaths in Chancery, which Oath shall be endorsed on the Back of the Writ or of the said Roll attached thereto; and such Oath shall be in the Form following:

'I make Oath, That this Roll is truly and carefully made up and examined, and that all Fines, Issues, Amerciaments, Penalties, and Recognizances which in right and due Course of Law ought to be levied and paid are, to the best of my Knowledge and Understanding, inserted in the said Roll, and that in the said Roll are also contained and expressed all such Fines, Issues, Amerciaments, Penalties, and Recognizances as have been paid to or received by me, without any wilful or fraudulent Discharge, Omission, Misnomer, or Defect whatever.

'So help me GOD.'

XXXIV. The

XXXIV. The Sheriff, Bailiff, or Officer to whom any such Writ as aforesaid is sent shall, on such Day as the Commissioners of Her Majesty's Treasury may from Time to Time, by Warrant under their Hands, direct, return such Writ to such Commissioners, and shall state on the Back of the said Roll what has been done in the Execution of such Process.

Return of Writ to the Treasury.

XXXV. The Sheriff, Bailiff, or other Officer to whom the said Writ is sent, shall, until all the said Fines, Issues, Amerciaments, Penalties, and Recognizances have been paid or recovered or discharged, or it be duly ascertained to the Satisfaction of the Commissioners of Her Majesty's Treasury, that the Party in default has not any Goods or Chattels in the County, City, Borough, or Place of such Sheriff, Bailiff, or Officer, or in any other County, City, Borough, or Place in *England* in which a Levy can be made, and that such Party cannot be found or that his Body cannot be lodged in any of Her Majesty's Gaols, keep and detain in the Possession of such Sheriff, Bailiff, or Officer the Writ so directed to him and the Roll attached to such Writ, delivering to the said Commissioners of Her Majesty's Treasury a Copy of such Roll on the Day on which he is required to return such Writ, and also a Copy of any former Roll or Rolls in which the Fines, Issues, Amerciaments, Penalties, and Recognizances have not been paid or discharged; and the original Writ and Roll or Writs and Rolls sent to the Sheriff, Bailiff, or other Officer, shall continue in force and effect, and shall be sufficient Authority without any further Writ or Roll, for the levying of the said Fines, Issues, Amerciaments, Penalties, and Recognizances, and such Sheriff, Bailiff, or other Officer is hereby authorized and required on quitting his Office to deliver over to his Successor all Rolls and Writs in his Possession, particularizing any Fines, Issues, Amerciaments, Penalties, and Recognizances remaining unpaid or undischarged in order that the Sheriff, Bailiff, or other Officer coming into the Office may use every Means in his Power for recovering the Sums unpaid and not charged to his Predecessors on the passing of his Accounts before any Person duly authorized to pass the same.

Until Fines, &c. are levied, Sheriff to retain Writ, which shall continue in force and be Authority to act upon.

XXXVI. In all Cases where the Party incurring or subject to the Payment of any Fine, Issue, Amerciament, Penalty, or Recognizance resides or has fled or removed from or out of the Jurisdiction of the Sheriff, Bailiff, or Officer to whom any such Writ as aforesaid has been directed, such Sheriff, Bailiff, or Officer shall issue his Warrant, together with a Copy of the said Writ, directed to the Sheriff, Bailiff, or other Officer acting for the County, City, Borough, or Place in which such Person then resides or is, or in which his Goods or Chattels may

Where a Party resides in another County, &c., or has removed, Sheriff to issue his Warrant to the Sheriff of the other County, &c.

may be found, requiring such Sheriff, Bailiff, or other Officer to execute such Writ; and every such last-mentioned Sheriff, Bailiff, or other Officer is hereby authorized and required to act in all respects under such Warrant in the same Manner as if the original Writ had been delivered to him, and the said Sheriff, Bailiff, or other Officer is hereby required within Thirty Days after the Receipt of such Warrant to return to the Sheriff, Bailiff, or other Officer from whom he received the same what he has done in the Execution of such Process; and in case a Levy has been made, to pay over all Monies received in pursuance of the Warrant to the Sheriff, Bailiff, or Officer from whom he received the same.

Penalty on Sheriff for Neglect.

XXXVII. Every Sheriff, Bailiff, or other Officer as aforesaid neglecting to do or perform any Duty by this Act required shall forfeit and pay such Sum as in Section Ten of the said Act of the Third Year of King *George* the Fourth is provided for such Neglect as therein mentioned, and to be recovered in like Manner.

Estreats may be required to be enrolled in the Exchequer.

XXXVIII. The Commissioners of Her Majesty's Treasury, or the Party liable to pay any Fine, Issue, Amerciament, Penalty, or Recognizance which, if this Act had not been passed, would have been certified or estreated into the Exchequer, may, by Notice in Writing to the Clerk of Assize or Clerk of the Crown directed by this Act to proceed as herein-before provided for causing the same to be levied, require such Clerk of Assize or Clerk of the Crown, within Twenty Days after such Notice, to return the Estreat thereof into the Office of the Queen's Remembrancer in the Exchequer, there to be enrolled, and such Estreat shall be returned and enrolled accordingly; and any and the like Proceedings may be had and taken, by Motion or otherwise, in the Court of Exchequer, in respect of such Estreat so enrolled, as might be had and taken in the Case of any Fine, Issue, Amerciament, Penalty, or Recognizance lawfully certified or estreated into the Exchequer in the ordinary Course of Law.

Provision as to setting over Fines, &c.

XXXIX. All Fines, Issues, Amerciaments, Penalties, and Forfeitures now from Time to Time set over by Her Majesty's Remembrancer to Corporations, Lords of Liberties, and others entitled thereto, shall after the passing of this Act be set over by such Person as the Commissioners of Her Majesty's Treasury may direct, and the Books of Reference to such Corporations, Lords of Liberties, and others now in the Office of Her Majesty's Remembrancer, or Copies thereof, or of such Parts thereof as may be necessary, shall be delivered to such Commissioners or such Person as they may direct.

Recognizances forfeited at

XL. Every Recognizance forfeited at any Inquest to be holden before the Coroner of any County, City, Town, Liberty, or Place in *England*,

England, shall be certified by such Coroner to the Clerk of the Peace for the County, Riding, Division, or Place in which the Person forfeiting such Recognizance shall reside, on or before the First Day of the Quarter Session of the Peace then next ensuing, and such Coroner shall cause a Copy of such Certificate to be served upon the Person liable to the Payment of such Forfeiture by leaving it at his Residence; and every such Clerk of the Peace shall proceed to act in respect of such Forfeiture as in the Case of Fines certified by Coroners pursuant to Section Seventeen of the Act passed in the Seventh and Eighth Years of Her Majesty, Chapter Ninety-two, and such Forfeiture shall be levied and applied in like Manner, and subject to the like Powers, Provisions, and Penalties, as such Fines.

Coroners Inquests to be returned to Clerks of the Peace, as in the Case of Fines imposed by Coroners.

XLI. The Rolls known as Originalia Rolls shall cease to be returned or sent from the Petty Bag Office of the Court of Chancery into the Court of Exchequer.

Original Rolls not to be returned into Exchequer.

XLII. From and after the passing of this Act it shall not be necessary for the Sheriffs of *London* and Sheriff of *Middlesex* to attend on the Morrow of *Saint Michael* in the Court of Exchequer as heretofore, and, unless otherwise directed by Order of Her Majesty in Council, Warrants under the Great Seal of the Exchequer shall be prepared at the Office of Her Majesty's Remembrancer signifying the Approval by Her Majesty of the Election of such Sheriffs and Sheriff, which Warrants may be delivered to the said Sheriffs and Sheriff, or their Under Sheriffs or Agents duly authorized to receive the same, without Fee or Reward in that Behalf, on the said Morrow of *Saint Michael*, or between that Day and the Morrow of *Saint Martin*, in each Year, and an Entry shall from Time to Time be made on the Roll of the Court of such Warrants having been granted; and unless such Warrants be stayed by Order of Her Majesty in Council on or before the Morrow of *Saint Michael* the Election of such Sheriffs and Sheriff shall be deemed and taken to be approved by Her Majesty; and all Warrants, Orders, Certificates, and other Documents heretofore read and ordered to be filed and recorded in the said Court on the annual Presentation of the Sheriffs shall continue to be filed and recorded in the Office of Her Majesty's Remembrancer as heretofore, on being presented at such Office for that Purpose within the Period aforesaid and shall be as valid and effectual to all Intents and Purposes as if the same had been filed and recorded by Order of the Court itself.

Approval of Sheriffs of London and Sheriff of Middlesex, how to be signified in future.

XLIII. And whereas it has been the Custom on the Occasion of the Presentation of the Sheriffs of the City of *London* and Sheriff of *Middlesex* Elect for the Approval of the Crown to the Barons of the Court of Exchequer at *Westminster* to render, on behalf of the Cor-

As to Rents rendered by the Corporation of London before the

Court of Exchequer.

poration of the said City, in open Court, certain ancient Rents and Services in respect of the Tenure of a Piece of Waste Ground, called the *Moors*, in the County of *Salop*, and of a Tenement, called "The *Forge*," in the Parish of *Saint Clement Danes*, in the County of *Middlesex*:

The said Rents and Services in respect of the said Ground and Tenement may be rendered by the Corporation of *London*, or by their Agent in that Behalf, at the Office of the Queen's Remembrancer on the Morrow of *Saint Michael*, or between that Day and the Morrow of *Saint Martin*, and the proper Entries in respect thereof shall be made as heretofore on the Rolls of the Court.

Saving Rights herein named.

XLIV. Save as herein expressly provided, nothing in this Act shall affect or prejudice the Jurisdiction or Authority of the Court of Exchequer, or of the Commissioners of Her Majesty's Treasury, or any Right or Privilege now exercised by Her Majesty's Attorney General on behalf of the Crown.

SCHE-

SCHEDULE.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith :

To the Sheriff or Bailiff or Officer [*as the Case may be*] for the County of [*or* City, Borough, *or* Place, *as the Case may be*] greeting.

You are hereby required and commanded, as you regard yourself and all yours, That you omit not, by reason of any Liberty in your County, City, Borough, or Place [*as the Case may be*], but that you enter the same, and of all the Goods and Chattels of all and singular the Persons in the Roll to this Writ annexed, you cause to be levied all and singular the Debts and Sums of Money upon them in the same Roll severally charged, so that the Money may be ready for Payment at the [*Time of the Return of the Writ*], to be paid over in such Manner as the Commissioners of Her Majesty's Treasury may direct; and if any of the several Debts cannot be levied, by reason of no Goods or Chattels being to be found belonging to the Parties, then in all Cases that you take the Bodies of the Parties refusing to pay the aforesaid Debts, and lodge them in the Gaol (of the County, City, *&c.*), there to remain until they pay the same, or be discharged by the Authority of the said Commissioners or otherwise in due Course of Law.

Dated the Day of
in the Year of Our Reign.

[*Signature*]
Clerk of Assize *or* Clerk of the Crown
[*as the Case may be*].

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relating to the Constabulary Force in *Ireland* should be further amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Term.

I. In the Construction of this Act the Term "Lord Lieutenant" shall be held to include any other chief Governor or Governors of *Ireland*.

Lord Lieutenant may, on the Retirement of One of the Two Deputy Inspectors General, appoint the remaining Deputy Inspector General to be the only Deputy Inspector General of Police in Ireland.

II. It shall be lawful for the Lord Lieutenant, at any Time after the passing of this Act, upon the Retirement or Superannuation from his Office of One of the said Two Deputy Inspectors General appointed under the Provisions of the said first-recited Act, to appoint the remaining Deputy Inspector General to discharge the Duties theretofore discharged by the said Two Deputy Inspectors General; and from and after such Appointment there shall be only One Deputy Inspector General of the Police Force in *Ireland;* and it shall be lawful for the Lord Lieutenant to fix and appoint such annual Salary as to him may from Time to Time seem proper, to be paid to such Deputy Inspector General, not exceeding One thousand Pounds, in lieu of the Salary fixed by the said first-recited Act, while he shall hold the said Office of Deputy Inspector General; and he shall, from and after such Appointment, receive the said Salary upon the same Conditions in all respects as if this Section had been included in the said first-recited Act.

On Retirement of One of the Deputy Inspectors General an additional Assistant Inspector General to be appointed.

III. It shall be lawful for the Lord Lieutenant, as soon as conveniently may be after the Retirement or Superannuation from his Office of One of the said Deputy Inspectors General, as herein-before mentioned, by Warrant under his Hand, to nominate and appoint from Time to Time, when and as he may think necessary, One fit and proper Person to be an Assistant Inspector General of the Police Force in *Ireland*, in addition to the said Two Assistant Inspectors General, appointed under the Provisions of the said recited Acts; and such Assistant Inspector General shall, on his Appointment to such Office, have all such Powers, Authorities, Privileges, and Advantages, and shall be liable to all such Duties and Responsibilities, as any Assistant Inspector General of the Police Force duly appointed now has or is liable to by virtue of any Statute in force in *Ireland;* and it shall be lawful for the Lord Lieutenant to fix and appoint such annual Salary as to him may from Time to Time seem proper to be paid to such Assistant Inspector General to be appointed under this Act, not exceeding the Amount herein-after mentioned, while he shall hold the said Office of Assistant Inspector General; and he shall thence-

forth

forth receive the said Salary upon the same Conditions in all respects as if this Section had been included in the said first-recited Act.

The Assistant Inspector General in Command of the Constabulary Depôt to be styled "Commandant of the Depôt."

IV. And whereas the Constabulary Depôt in *Dublin*, is placed under the Command of One of the said Assistant Inspectors General, and it is expedient that the Designation of the Officer holding such Command for the Time being should be changed as herein-after mentioned: Therefore, the Assistant Inspector General appointed under the said recited Acts or this Act holding such Command shall henceforth be styled "Commandant of the Depôt;" provided that such Change of Designation shall in no respect alter the Provisions of the said recited Acts or this Act, or any other Act, in respect of the Salary, Duties, or Emoluments of the Person so appointed holding such Command.

Salary of Assistant Inspectors General.

V. It shall be lawful for the Lord Lieutenant to direct that the annual Sum of One hundred Pounds shall be paid to One of the said Two remaining Assistant Inspectors General, or divided between such Assistant Inspectors General in such Proportions as he shall think fit, in addition to the Salary of Five hundred Pounds by the said Acts limited for each of such Officers respectively: Provided always, that the gross Amount of the Money to be paid for the Salaries of Deputy Inspector General and Assistant Inspectors General of Police under the Provisions of this Act shall not exceed the Amount which the said Lord Lieutenant is authorized by the said recited Acts to grant as and for the Salaries of the Deputy Inspectors General and the Assistant Inspectors General authorized to be appointed thereunder.

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CAP. XXIII.

An Act to continue certain Acts relating to the Collection of County Cess in *Ireland*.

[13th *August* 1859.]

WHEREAS under and by virtue of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Thirty-two, certain Provisions are made relating to the Collectors of County Cess in *Ireland:* And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Sixteenth Year of the Reign of Her Majesty, Chapter Thirteen, the said Provisions were revived and continued as therein mentioned: And whereas by an Act passed in the Twentieth and Twenty-first Years of the Reign of Her Majesty, Chapter Seven, the said Provisions were revived and continued, and amended as therein mentioned: And whereas it is expedient that the said Provisions contained in the said first-recited Act should be further continued, subject to the Amendments thereof contained in the said thirdly recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

11 & 12 Vict. c. 32.

16 & 17 Vict. c. 13.

20 & 21 Vict. c. 7.

I. The

Provisions in first-recited Act relating to Collection of County Cess continued for 2 Years.

I. The Provisions contained in the said first-recited Act relating to the Collection of County Cess in *Ireland*, subject to the Amendments thereof contained in the said thirdly recited Act, shall be further continued, and shall remain in force for Two Years from and after the passing of this Act.

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sities or Colleges in Scotland, except the College of St. Mary's in the University of St. Andrew's, not required to subscribe Confession of Faith.

versities or Colleges in *Scotland*, except the College of *Saint Mary's* in the University of *St. Andrew's*, subsequently to the Date at which the said second-recited Act shall have come into operation therein, to make and subscribe the Acknowledgment or Declaration mentioned in an Act passed in the Fourth Session of the First Parliament held in Scotland by Her Majesty Queen *Anne*, intituled *Act for securing the Protestant Religion and Presbyterian Church Government*; but every such Person shall make and subscribe, in the Manner provided by the said first-recited Act as to Persons elected, presented, or provided to Lay Chairs in any such University or College, the Declaration therein set forth.

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CAP. XXV.

An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland*.

[13th *August* 1859.]

WHEREAS an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of His Majesty King *William* the Fourth, Chapter Twenty-seven, to continue and amend certain Acts relating to the Linen and Hempen Manufactures in *Ireland* for a Period therein limited: And whereas an Act was passed in the Session of Parliament held in the Third and Fourth Years of Her present Majesty, Chapter Ninety-one, whereby a Part of the said first-recited Act was repealed, and the same, as amended, was continued for a Period therein limited: And whereas an Act was passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-eight, whereby the said secondly recited Act was amended and continued for a Period therein limited: And whereas an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Forty-seven, whereby the said first-recited Act was amended, and the said recited Acts were further continued for a Period therein mentioned: And whereas the said recited Acts were further continued by an Act passed in the Session

5 & 6 W. 4. c. 27.

3 & 4 Vict. c. 91.

5 & 6 Vict. c. 68.

7 & 8 Vict. c. 47.

 of

13 & 14 Vict. c. 48.
15 & 16 Vict. c. 13.
16 & 17 Vict. c. 103.
17 & 18 Vict. c. 46.

of Parliament held in the Thirteenth and Fourteenth Years of Her Majesty, Chapter Forty-eight, and by an Act passed in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Thirteen, and by an Act passed in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and three, and by an Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Forty-six: And whereas it is expedient that the said first-recited Act, and the said secondly and thirdly and fourthly recited Acts, should be further continued, subject to the respective Amendments thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

Recited Acts, except as amended, further continued.

I. The said first-recited Act, except such Parts thereof as have been repealed by the said secondly recited Act, and subject to the Amendments thereof in the said subsequent recited Acts contained, and the said secondly and thirdly and fourthly recited Acts, subject to the respective Amendments thereof, shall be further continued, and shall be and remain in force from the passing of this Act for Five Years.

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committed within the Provinces of *Lower* or *Upper Canada*; and by the secondly herein-mentioned Act it was enacted, that it should be lawful for His Majesty, if he should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid; and it was also enacted, that it should be lawful for His Majesty, by Commission under the Great Seal, to authorize and empower such Persons so appointed Justices to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes: And whereas no Courts of Record have been established or authorized as aforesaid, and it is expedient to make further Provision for the Administration of Justice in Criminal Cases in the said *Indian* Territories, and such other Parts as aforesaid of *America*, and also to make Provision for better regulating Trade with the *Indians* in the Territories and Parts aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices of the Peace in the British American Indian Territories authorized to try Offences summarily, and punish by Fine or Imprisonment.

I. It shall be lawful for Her Majesty, by the Commission by which any Justices of the Peace are appointed under the said Act of King *George* the Fourth, or by any subsequent Commission, or by any Order in Council, from Time to Time to authorize any such Justice or Justices to take cognizance of and try in a summary Way all Crimes, Misdemeanors, and Offences whatsoever, except as hereinafter mentioned, within the local Limits of the Jurisdiction of such Justices (or such Parts thereof as Her Majesty may direct in this Behalf), and to punish such Crimes, Misdemeanors, and Offences by Fine or Imprisonment, or both; and it shall be lawful for Her Majesty, in manner aforesaid, from Time to Time to restrict or regulate the Exercise of such Jurisdiction as She may think fit, and to direct in what Cases the same may be exercised by One or by more than One of such Justices, and generally to make such Provision concerning the Exercise of such Jurisdiction as to Her Majesty may seem expedient; and it shall also be lawful for Her Majesty, in manner aforesaid, to order or authorize the Appointment of all proper Officers to act in aid of such Justices, and the said Justices respectively may do or cause to be done all Acts, Matters, and Things for the Execution of their Sentences, and in aid of their Jurisdiction under this Act, which might be done or caused to be done by Courts of Record having Jurisdiction in the like Cases: Provided always, that where the Offence with which any Person is charged before any such Justice or Justices is one which is punishable with Death, or one which in the Opinion of such Justice or Justices

Justices ought, either on account of the Inadequacy of the Punishment which such Justice or Justices can inflict, or for any other Reason, to be made the Subject of Prosecution in the ordinary Way, rather than to be disposed of summarily, such Justice or Justices shall commit the Offender to safe Custody, and cause him to be sent in such Custody for Trial to *Upper Canada*, as provided by the said Act of King *George* the Fourth, or, where such Justice or Justices may see fit, to the Colony of *British Columbia*; and such Offender may be tried and dealt with by any Court constituted in *British Columbia* having Cognizance of the like Offences committed there, and such Court shall have the like Powers and Authorities for this Purpose as under the said Acts are given to any Court in *Canada* in the like Cases.

The Power to establish Courts of Record not to be affected.

II. Provided, That nothing herein-before contained shall be taken to repeal or affect the Provisions of the said Act of King *George* the Fourth concerning the Establishment of Courts of Record in the said Territories, and where such Courts are established any Offenders within the Limits of the Jurisdiction thereof may be committed for Trial to such Courts instead of the Courts of *Canada* or *British Columbia*.

Her Majesty, by Order in Council, may make Regulations for the Trade with the Indians.

III. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to make such Rules and Regulations as She may deem expedient for the Conduct of the Trade with the *Indians*, and for diminishing or preventing the Sale and Distribution of Spirits to the *Indians*, or for promoting their Moral and Religious Improvement, to be in force in all or any Portions of the Territories mentioned in the said Act of King *George* the Fourth which may not be included in any Grant or Licence for the Time being in force under that Act.

Hudson's Bay Company, British Columbia, and Vancouver's Island not affected.

IV. Nothing herein contained shall extend to the Territories heretofore granted to the Company of Adventurers trading to *Hudson's Bay*; and nothing herein contained shall extend to the Colony of *British Columbia*, save as herein expressly provided, or to the Colony of *Vancouver's Island*.

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present Parliament assembled, and by the Authority of the same, as follows:

Limit of European Troops of Her Majesty's Indian Army.

It shall be lawful for the Secretary of State in Council, at any Time after the passing of this Act, and from Time to Time, to give such Directions as he may think fit for raising and maintaining out of the Revenues arising from the Territories of *India* vested in Her Majesty by virtue of an Act passed in the Session holden in the Twenty-first and Twenty-second Years of the Reign of Her Majesty, Chapter One hundred and six, such Number of *European* Forces as he may judge necessary for the *Indian* Army of Her Majesty, so that the Number of such Forces at any One Time do not amount in the whole to more than Thirty thousand Men, not including the Commissioned and Non-commissioned Officers; and it shall be lawful for Her Majesty to enlist, and have in Pay and maintain out of the said Revenues in the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles, any Number of Non-commissioned Officers and Private Men belonging to the said *Indian* Army, not exceeding at any One Time Six thousand.

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Power to charge Rates on all Vessels entering and using the Floating Dock.

I. That for and notwithstanding anything to the contrary in the said Act contained, it shall and may be lawful to and for the Commissioners of Public Works in *Ireland*, and to and for the Receiver, Collector, or Officer heretofore or hereafter to be appointed by them, or acting for or on their Behalf, to charge and collect the Tonnage Rates set forth in Schedule A. to the said Act annexed on every Vessel, without Limitation of Tonnage, entering and lying in the Floating Dock, or alongside the Pier or Piers, Jetty or Jetties, in the said Schedule set forth, and also to charge and collect the several Rates and Dues by the said Schedule chargeable for Boats entering and using the said Floating Dock or Canal.

Acts to be construed together.

II. The said "*Galway* Harbour and Port Act, 1853," and the several Acts incorporated therewith, and this Act, shall be construed as One Act.

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CAP. XXIX.

An Act to repeal a certain Toll levied upon Fishing Vessels passing the *Nore*. [13th *August* 1859.]

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to repeal, alter, and amend the several Acts relating to* Billingsgate Market *in the City of* London: And whereas the said Act contained, amongst other Provisions, the following; that is to say, 9 & 10 Vict. c. ccexlvi.

Section 17. Fishing Boats to be exempt from all Dues, except Tolls, and 2*s*. per Cargo each Voyage on passing the Nore.

" That all Fishing Smacks, Steam Boats, or other Description of " Vessels which shall be solely employed in the catching, carrying, or " importing Fish for the Supply of the said Market shall be and " they are hereby exempted from all Claims, Dues, and Customs " whatsoever while the said Fishing Smacks, Steam Boats, or other " Description of Vessels shall be solely engaged in such Employment, " save and except the Tolls payable by virtue of this Act, and the " Payment by each Fishing Smack, Steam Boat, or other Description " of Vessel of the Sum of Two Shillings *per* Voyage for each Time " of passing the *Nore* with Fish for the said Market, as herein-after " mentioned:

Section 18. Fishing Boats to pay 2*s*. each Voyage, on

" That the Owner, Master, chief Officer, or other Person who shall " have the Care or Conduct of any Fishing Smack, Steam Boat, or " other Description of Vessel which shall be wholly or partly made

 " use

passing the Nore, to the Collector of Customs, London.

" use of for catching, carrying, or importing Fish, or which shall be " wholly or partly laden with Fish for the Supply of the said Market, " and passing the *Nore* with such Fish for the said Market, shall, " within Three Days after such Fishing Smack, Steam Boat, or other " Description of Vessel shall have passed the *Nore*, pay to the Person " who for the Time being shall act as Deputed Clerk in the Coast " Office under the Collector Outwards in the Port of *London* at the " Custom House, *London*, the Sum of Two Shillings *per* Voyage for " each Time of passing the *Nore* with any such Fish on board as " aforesaid:

Section 19. Account of Cargo of Fishing Boats to be given.

" That at the Time of making the said Payment of Two Shillings " as aforesaid the Owner, Master, chief Officer, or other Person " who shall have the Care or Conduct of such Fishing Smack, " Steam Boat, or other Description of Vessel, or his Agent, shall " deliver to the Person who shall for the Time being act as such " Deputed Clerk as aforesaid an Account, as near as may be, of " the Quantity and Description of Fish so imported for the said " Market:

Section 20. Penalty on neglecting to pay 2*s*., or deliver an Account of Cargo.

" That in case the said Owner, Master, chief Officer, or other " Person having the Care or Conduct of any such Fishing Smack, " Steam Boat, or other Description of Vessel, or his Agent, shall " refuse or neglect to pay the said Sum of Two Shillings, or to " deliver the said Account as aforesaid, to such Person as aforesaid, " the said Owner, Master, chief Officer, or other Person, or his " Agent, shall forfeit and pay, on Conviction before any Justice, " a Penalty of not exceeding Ten Pounds, to be paid to and " for the Use of the Marine Society; and that it shall be lawful " for the said Marine Society, but for no other Party, to prefer " such Complaint as aforesaid before the said Justice as aforesaid, " and to recover the same Penalty in the Manner herein-after " mentioned:

Section 21. Clerk to enter Monies paid and Account of Cargoes in a Book, and to make weekly Returns to the Marine Society.

" That such Person as aforesaid shall make a correct Entry in a " Book to be kept for that Purpose of the Sums paid to him as " aforesaid, and also of the said Account of the several Cargoes as " aforesaid, and shall make a weekly Return of the same to the said " Marine Society; and in the event of such Person as aforesaid " neglecting to make such Entry or Return as aforesaid, such Person " as aforesaid shall forfeit and pay, upon Conviction before any " Justice, a Penalty of Five Pounds, to be paid to and for the Use of " the said Marine Society as aforesaid, upon their Complaint, and to " be recovered by them as herein-after mentioned:

Section 22. Application of the 2*s*. per Voyage.

" That the said Sum of Two Shillings so to be paid as aforesaid " shall be applied in manner following; (that is to say,) there shall " be

" be kept and retained by and for the Use of the Person so receiving " the said Sum of Two Shillings *per* Voyage the Sum of Sixpence, " and the remaining One Shilling and Sixpence is hereby vested " in the said Marine Society, and shall be paid by such Person from " Time to Time to the said Society, whose Receipt shall be and is " hereby declared to be at all Times a full Discharge to such Person " for the same, which said Sum of One Shilling and Sixpence shall " be applied by the said Society for the general Purposes of the said " Society:

Section 23. Marine Society to appoint Inspectors of Fishing Vessels.

" That the said Marine Society are hereby authorized to appoint, " and from Time to Time, at their Pleasure, to remove, One or more " Officer or Officers, to be called the Inspector or Inspectors of Fishing " Vessels, who shall take account of the Arrival and passing of all " Fishing Smacks, Steam Boats, and other Description of Vessels " wholly or partly laden with Fish for the Supply of the said Market, " and of the Quantity and Description of Fish on board the same, " and shall make a Return of the same to the said Marine Society; " and that it shall be lawful for the said Officer or Officers to " enter upon and board any Fishing Smack, Steam Boat, or " other Description of Vessel which he shall suspect of having " Fish on board for the said Market; and all and every the Masters, " chief Officers, or other Person or Persons having the Care or " Conduct of the said Fishing Smacks, Steam Boats, or other Description of Vessels are hereby required to give to the said Inspectors " such Account of the Arrival and passing thereof, and of the " Quantities and Description of Fish on board the same, according " to the best of their Knowledge; and any Person or Persons " refusing to give such Account, or hindering such Inspector or " Inspectors in the Execution of his or their aaid Office, or preventing or endeavouring to prevent any Person or Persons on " board such Vessel or Vessels from giving such Account as aforesaid, shall, on Conviction before a Justice, be subject to a Penalty " not exceeding Five Pounds, to be paid to and for the Use of the " said Marine Society as aforesaid, upon their Complaint, and to be " recovered by them as herein-after mentioned:

Section 24. Such Officers not to molest any Fisherman.

" Provided, that nothing herein contained shall extend to entitle " the said Officer to hinder, annoy, or molest any Fisherman or " Person employed in the Fishery in the carrying on of his lawful " Calling, or unnecessarily to interfere with any Steam Vessel under " way:"

And whereas it is expedient that the said Toll imposed by the said recited Enactments be abolished: And whereas the said Marine Society have consented to such Abolition: Be it enacted by the

the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Recited Sections repealed.

I. The said recited Provisions of the said recited Act are hereby repealed.

Power to Treasury to award Compensation to Persons deprived of Offices.

II. The Commissioners of Her Majesty's Treasury may award to any Person who by reason of the passing of this Act is deprived of any Salary or Emolument, such Amount of Compensation as shall appear to them to be just and reasonable, and any Compensation so awarded shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

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where current Copper Coin is mentioned or referred to, shall be construed and take effect as if, in addition to current Copper Coin, current Coin of Bronze or mixed Metal had been also in every such Case mentioned or referred to.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act to amend the Law relating to Probates and Letters of Administration in *Ireland*.

[13th *August* 1859.]

WHEREAS in the Twenty-first and Twenty-second Year of Her present Majesty an Act was passed, intituled *An Act to amend the Law relating to Probates and Letters of Administration in* Ireland, hereinafter designated "The Court of Probate Act:" And whereas it is expedient to amend the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 20 & 21 Vict. c. 79.

I. It shall be lawful for the Judge of the Court of Probate for the Time being to sit in Chambers for the Despatch of such Part of the Business of the said Court as can in the Opinion of the said Judge, with Advantage to the Suitors, be heard in Chambers; and the Times at which such Sittings shall be held shall from Time to Time be fixed by the Judge: Provided always, that no Question shall be heard in Chambers which either Party shall require to be heard in open Court. Power to Judge of Court of Probate to sit in Chambers.

 II. The

The Treasury to cause Chambers to be provided.

II. The Commissioners of Her Majesty's Treasury shall from Time to Time provide Chambers in which the Judge of the Court of Probate shall sit for the Despatch of such Business as aforesaid; and until such Chambers are provided elsewhere the said Judge shall sit in Chambers in any Room which he may find convenient for the Purpose.

Powers of Judge when sitting in Chambers.

III. The Judge of the Court of Probate, when so sitting in Chambers, shall have and exercise the same Power and Jurisdiction in respect of the Business to be brought before him as if sitting in open Court.

Clerks in the Principal Registry eligible to be Registrars, &c.

IV. Clerks having served Five Years in the Principal Registry of the Court of Probate shall be eligible to be appointed District Registrars of the said Court.

Sect. 22. of recited Act repealed.

V. Section Twenty-two of the said Court of Probate Act shall be and the same is hereby repealed.

Where Personalty is under 200*l*. County Court to have Jurisdiction.

VI. Where it appears by Affidavit to the Satisfaction of a Registrar of the Principal Registry that the Testator or Intestate in respect of whose Estate a Grant or Revocation of a Grant of Probate or Letters of Administration is applied for had at the Time of his Death his fixed Place of Abode in one of the Districts specified in Schedule (A.) to the said "Court of Probate Act," and that the Personal Estate in respect of which such Probate or Letters of Administration are to be or have been granted, exclusive of what the Deceased may have been possessed of or entitled to as a Trustee, and not beneficially, but without deducting anything on account of the Debts due and owing from the Deceased, was at the Time of his Death under the Value of Two hundred Pounds, and that the Deceased at the Time of his Death was not seised or entitled beneficially of or to any Real Estate of the Value of Three hundred Pounds or upwards, the Chairman of Quarter Sessions having Jurisdiction in the Place in which the Deceased had at the Time of his or her Death a fixed Place of Abode shall have the Contentious Jurisdiction and Authority of the Court of Probate in respect of Questions as to the Grant and Revocation of Probate of the Will or Letters of Administration of the Effects of such deceased Person, in case there be any Contention in relation thereto.

Sect. 58. of recited Act repealed.

VII. Section Fifty-eight of the said Court of Probate Act shall be and the same is hereby repealed.

VIII. The

VIII. The said Court of Probate Act, Section Sixty-three, shall, so far as Assistant Barristers or their Courts are concerned, apply to an Application for the Revocation of a Grant of Probate or Administration as well as to an Application for any such Grant.

Sect. 63. of recited Act to apply to Applications for Revocation of Grants.

IX. The Power and Authority to make Rules and Orders for regulating the Proceedings of the Assistant Barristers Courts shall extend and be applicable to all Proceedings in the Assistant Barristers Courts under this Act, and also to framing a Scale of Costs and Charges to be paid to Counsel, Proctors, Solicitors, and Attorneys in respect of Proceedings in such Courts, under the said Court of Probate Act or this Act.

Power to make Rules and Orders and frame Scales of Fees for the County Courts.

X. All Non-contentious Business pending in any Ecclesiastical Court at the Time when "The Court of Probate Act" came into operation shall be deemed to have been transferred to the Court of Probate, in the same Way as all pending Suits were transferred to the said Court under the said Act, and all Acts executed under the Authority of such Ecclesiastical Court with reference to such Business which would have been valid if the Authority of such Court had not been abolished shall be valid, and all Oaths and Bonds sworn and executed in manner required by any such Ecclesiastical Court in reference to such Business, prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, shall continue to have and be deemed to have had the same Force and Effect in Law as they would have had if sworn and executed in pursuance of the Provisions of the said Act or of this Act.

Non-contentious Business pending in any Ecclesiastical Court to be transferred.

XI. Bonds given to any Archbishop, Bishop, or other Person exercising Testamentary Jurisdiction in respect of Grants of Letters of Administration made prior to the Eleventh Day of *January* One thousand eight hundred and fifty-eight, or in respect of Grants made in pursuance of the Court of Probate Act or of this Act, whether taken under a Commission or Requisition executed before or after the said Eleventh Day of *January*, shall enure to the Benefit of the Judge of the Court of Probate, and, if necessary, shall be put in force in the same Manner and subject to the same Rules (so far as the same may be applicable to them) as if they had been given to the Judge of the said Court subsequently to that Day.

Bonds given before 11 Jan. 1858 to remain in force.

XII. Whenever an Executor appointed in a Will survives the Testator, but dies without having taken Probate, and whenever an Executor named in a Will is cited to take Probate, and does not appear to such Citation, the Right of such Person in respect of the Executorship

An Executor not acting or not appearing to a Citation to be treated as if he had renounced.

Executorship shall wholly cease, and the Representation to the Testator and the Administration of his Effects shall and may, without any further Renunciation, go, devolve, and be committed in like Manner as if such Person had not been appointed Executor.

Judge of the Court of Probate may amend Grants made before 11 Jan. 1858.

XIII. The Judge of the Court of Probate shall have and exercise the same Power of altering and amending Grants of Probate and Letters of Administration made before the Eleventh Day of *January* One thousand eight hundred and fifty-eight as any Ecclesiastical Court had and exercised in respect of such Grants.

Provisions of 38 G. 3. c. 87. and 20 & 21 Vict. c. 79. extended to all Cases of Executors and Administrators.

XIV. The Provisions of an Act passed in the Thirty-eighth Year of *George* the Third, Chapter Eighty-seven, and of "The Court of Probate Act," shall be extended to all Executors and Administrators residing out of the Jurisdiction of Her Majesty's Courts of Law and Equity in *Ireland*, whether it be or be not intended to institute Proceedings in the Court of Chancery, and to all Grants made before and subsequently to the passing of the last-mentioned Act; and it shall be lawful to alter the Language of the Grant prescribed by the first-named Statute so as to make it apply to Grants made in the Court of Probate under the said last-mentioned Act.

On Decease of Persons dying intestate, Estate to vest in the Judge for the Time being.

XV. From and after the Decease of any Person dying intestate, and until Letters of Administration shall be granted in respect of his Estate and Effects, the Personal Estate and Effects of such deceased Person shall be vested in the Judge of the Court of Probate for the Time being, in the same Manner and to the same Extent as heretofore they vested in the Ordinary.

Second and subsequent Grants to be made where the original Will or the original Letters of Administration are deposited.

XVI. All Second and subsequent Grants of Probate or Letters of Administration shall be made in the Principal Registry, or in the District Registry where the original Will is registered or the original Grant of Letters of Administration has been made, or in the District Registry to which the original Will or a registered Copy thereof, or the Record of the original Grant of Administration, have been transmitted, by virtue of a Requisition issued in pursuance of Section Ninety-six of "The Court of Probate Act;" and for and in respect of such Second or subsequent Grants of Probate or Letters of Administration to be made in a District Registry it shall not be requisite that it should appear by Affidavit that the Testator or Intestate had a fixed Place of Abode within the District in which the Application is made.

XVII. It

XVII. It shall be lawful for the Court of Probate to require Security by Bond in such Form as the Judge shall from Time to Time by any General or Special Orders direct, with or without Sureties, from any Receiver of the Real Estate of any deceased Person appointed by the said Court, under Section Seventy-five of "The Court of Probate Act," or for Payment of Costs in any Cause or Matter in which the Court shall direct Security for Costs to be given; and the Court may, on Application made on Motion or in a summary Way, order One of the Registrars of the Court to assign the same to some Person to be named in such Order; and such Person, his Executors or Administrators, shall thereupon be entitled to sue on the said Security, or put the same in force in his or their own Name or Names, both at Law and in Equity, as if the same had been originally given to him instead of to the Judge of the said Court, and shall be entitled to recover thereon, as Trustee for all Persons interested, the full Amount due in virtue thereof.

The Court of Probate may require Security from a Receiver of Real Estate.

XVIII. All the Provisions contained in the Court of Probate Act respecting Grants of Administration pending Suit shall be deemed to apply to the Case of Appeals to the Court of Appeal in Chancery in *Ireland*, and also to the House of Lords, under the said Act.

Administration pending Suit deemed to apply to Appeals.

XIX. It shall be lawful for a Registrar of the Principal Registry of the Court of Probate, and whether any Suit or other Proceeding shall or shall not be pending in the said Court, to issue a Subpœna requiring any Person to produce and bring into the Principal or any District Registry, or otherwise as in the said Subpœna may be directed, any Paper or Writing being or purporting to be testamentary, which may be shown to be in the Possession, within the Power, or under the Control of such Person; and such Person, upon being duly served with the said Subpœna, shall be bound to produce and bring in such Paper or Writing, and shall be subject to the like Process of Contempt in case of Default as if he had been a Party to a Suit in the said Court, and had been ordered by the Judge of the Court of Probate to produce and bring in such Paper or Writing.

Registrars may issue Subpœnas to produce Papers, &c.

XX. The Registrars of the Principal Registry shall be invested with and shall and may exercise with reference to Proceedings in the Court of Probate the same Power and Authority which Surrogates of the Judge of the Prerogative Court of *Canterbury* could or might before the passing of the Court of Probate Act have exercised in

The Registrars to do all Acts heretofore done by Surrogates.

Chambers with reference to Proceedings in the said Prerogative Court.

Copies of Wills may be certified by a Stamp.

XXI. Copies of Wills required to be transmitted by a District Registrar, and certified by him to be correct Copies, under Section Fifty-five of the Court of Probate Act, may be so certified and transmitted under a Stamp provided by the District Registrar for that Purpose, and approved of by the Judge of the Court of Probate.

Certificates from the Principal Registry may be stamped.

XXII. Certificates issued from the Principal Registry with reference to Notices of Applications transmitted from the District Registrars, under Section Fifty-three of the Court of Probate Act, need not be made under the Hand of a Registrar of the Principal Registry, as required by the said Act, but may be issued under a Stamp provided for that Purpose, and approved of by the Judge of the Court of Probate.

Requisitions may be issued for the Transmission of a single Paper.

XXIII. Whereas Doubts have been entertained whether a Requisition can be issued under Section Ninety-six of the Court of Probate Act for the Transmission of One or more Papers only, not being all the Papers and Documents in the Custody of the Person to whom any such Requisition may be addressed: Be it therefore enacted and declared, That the said Section shall be construed to extend to all Requisitions, whether for the Transmission of One or of more Records, Wills, Grants, Probates, Letters of Administration, Administration Bonds, Notes of Administration, Court Books, Calendars, Deeds, Processes, Acts, Proceedings, or other Instruments relating exclusively or principally to Matters and Causes Testamentary.

Power to enforce Decree as to Costs.

XXIV. The Judge of the Court of Probate, and the Registrars of the Principal Registry thereof, shall respectively, in any Case where an Ecclesiastical or other Court having Testamentary Jurisdiction had previously to the Eleventh Day of *January* One thousand eight hundred and fifty-eight made an Order or Decree in respect of Costs, have the same Power of taxing such Costs and enforcing Payment thereof, or of otherwise carrying such Order or Decree into effect, as if the Cause wherein such Decree was made had been originally commenced and prosecuted in the said Court of Probate; provided that in taxing any such Costs, or any other Costs incurred in Causes depending in any such Courts before the Time aforesaid, all Fees, Charges, and Expenses shall be allowed which might have been legally made, charged, and enforced according to the Practice of the Prerogative Court of *Ireland*.

XXV. Letters

Probates and Letters of Administration (Ireland).

XXV. Letters of Administration granted by the Court of Probate in *England* shall not be resealed, under Section Ninety-four of the Twentieth and Twenty-first *Victoria*, Chapter Seventy-nine, until a Certificate has been filed, under the Hand of a Registrar of the Court of Probate in *England*, that Bond has been given to the Judge of the Court of Probate in *England* in a Sum sufficient in Amount to cover the Property in *Ireland* as well as *England* in respect of which such Administration is required to be resealed.

Letters of Administration granted in Ireland not to be resealed in England until sufficient Bond is given.

XXVI. It shall be lawful for the Judge of the Court of Probate to appoint by Commission, under Seal of the Court, any Persons practising as Solicitors in the *Isle of Man*, in the *Channel Islands*, or any of them, and also such Persons resident in *England*, *Wales*, and *Scotland* as he shall think fit, to administer Oaths, and to take Declarations or Affirmations, and to exercise any other Powers which can be exercised by Commissioners of Her Majesty's Court of Probate; and such Persons shall be entitled from Time to Time to charge and take such Fees as any other Persons performing the same Duties in the Court of Probate may charge and take.

Commissioners may be appointed in the Isle of Man, &c.

XXVII. In Cases where it is necessary to obtain Affidavits, Declarations, or Affirmations to be used in the Court of Probate from Persons residing in Foreign Parts out of Her Majesty's Dominions, the same may be sworn, declared, or affirmed before the Persons empowered to administer Oaths under the Act of the Sixth of *George* the Fourth, Chapter Eighty-seven, or under the Act of the Eighteenth and Nineteenth *Victoria*, Chapter Forty-two; provided that in Places where there are no such Persons as are mentioned in the said Acts such Affidavits, Declarations, or Affirmations may be made, declared, and affirmed before any Foreign local Magistrate or other Person having Authority to administer an Oath.

Affidavits, before whom to be sworn when Parties making them reside in Foreign Parts.

XXVIII. Affidavits, Declarations, and Affirmations to be used in the Court of Probate may be sworn and taken in the *Isle of Man*, the *Channel Islands*, or any Colony, Island, Plantation, or Place out of the United Kingdom of *Great Britain* and *Ireland* under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or, so far as relates to the *Isle of Man* and the *Channel Islands*, before any Commissary, Ecclesiastical Judge, or Surrogate who at the Time of the passing of the Court of Probate Act was authorized to administer Oaths in the *Isle of Man* or in the *Channel Islands* respectively, and all Registrars and other Officers of the Court of Probate shall take judicial

Affidavits, before whom to be sworn in Colonies, &c.

judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, or Person, which shall be attached, suspended, or subscribed to any such Affidavit, Declaration, or Affirmation, or to any other Document.

Persons forging Seal or Signature guilty of Felony.

XXIX. If any Person shall forge any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed, under the Provisions of the said Act of the Sixth of *George* the Fourth, or of the said Act of the Eighteenth and Nineteenth *Victoria*, to any Affidavit, Declaration, or Affirmation to be used in the Court of Probate, or shall tender in Evidence any such Document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of Felony, and shall upon Conviction be liable to Penal Servitude for the Term of his Life, or for any Term not less than Seven Years, or to be imprisoned, with or without Hard Labour, for any Term not exceeding Three Years nor less than One Year; and whenever any such Document has been admitted in Evidence by virtue of this Act, the Court, or the Person who has admitted the same, may, at the Request of any Party against whom the same is so admitted in Evidence, direct that the same shall be impounded and be kept in the Custody of some Officer of the Court or other proper Person, for such Period and subject to such Conditions as to the said Court or Person shall seem meet; and every Person charged with committing any Felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence may be laid and charged to have been committed, in the County, District, or Place in which he may be apprehended or be in Custody; and every Accessory before or after the Fact to any such Offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his Offence laid and charged to have been committed, in any County, District, or Place in which the principal Offender may be tried.

Persons taking a false Oath before a Surrogate guilty of Perjury.

XXX. Any Person who shall wilfully give false Evidence, or who shall wilfully swear, affirm, or declare falsely in any Affidavit or Deposition before any Surrogate having Authority to administer Oaths under the Court of Probate Act, or before any Person who before the passing of the said Act was a Surrogate authorized to administer Oaths in any of the *Channel Islands*, or before any Person authorized to administer Oaths under this Act, shall be liable to the Penalties and Consequences of wilful and corrupt Perjury.

Provision for the necessary Absence of Officers.

XXXI. In case any Officer appointed or to be appointed by virtue of the Court of Probate Act, 1857, or of this Act, shall by

by reason of Ill-health or other Infirmity become temporarily incapable of performing the Duties of his Office, it shall be lawful for the Judge to appoint some other fit and proper Person to discharge the Duties of such Office for any Period not exceeding Six Calendar Months at any One Time, and the Person so appointed shall, during such Period, have all the Power and Authority of the Officer in whose Place he shall be so appointed, and shall be paid by such Officer such Sum by way of Salary or Allowance as shall be agreed upon between them respectively, or be fixed by the Judge; and the Judge may, at his Discretion, give Leave of Absence to any Officer of the Court for any Period not exceeding Two Months in any Year, and shall have the like Power of making Provision for the Discharge of the Duties of the Office during such Absence.

The Judge to have the same Powers over Practitioners as Judges of other Courts.

XXXII. The Judge of the Court of Probate shall have and exercise, over Proctors, Solicitors, and Attorneys practising in the said Court, the like Authority and Control as is now exercised by the Judges of any Court of Equity or Common Law over Persons practising therein as Solicitors or Attorneys.

Provision for Expenses of indexing, &c. Documents required to be removed under Requisition.

XXXIII. When any Requisition shall issue in pursuance of Section Ninety-six of "The Court of Probate Act, 1857," it shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Moneys as may be provided and appropriated by Parliament for that Purpose, to cause to be paid all such Expenses attending the Arranging, Classification, Indexing, Carriage, or otherwise connected with the Removal of the Documents or Books required by such Requisition to be removed, as the Judge shall from Time to Time certify to the said Commissioners to be proper and necessary.

Mode of calculating Time of Service of Judges of Superior Courts of Law or Equity with reference to Retiring Pensions.

XXXIV. In calculating the Time of Service of any Judge of Her Majesty's Superior Courts of Law or Equity in *Ireland* with reference to the Retiring Pension or Annuity to be granted to such Judge on the Resignation of his Office, the Period during which he shall have served as Judge of Her Majesty's Court of Probate in *Ireland* shall be allowed, in like and same Manner as if he had during said Period served as One of the Judges of Her Majesty's Superior Courts of Law or Equity in *Ireland*.

Sections 19. & 20. of 19 & 20 Vict. c. 92. to include Court of Probate in Ireland.

XXXV. Sections Nineteen and Twenty of the Chancery Appeal Court (*Ireland*) Act, 1856, so far as they refer to and include the Court of Prerogative in *Ireland* and the Judge thereof, shall be construed, deemed, and taken to refer to and include the Court of Probate in *Ireland* and the Judge thereof, in like and the same

Manner as if the said Court of Probate in *Ireland* and the Judge thereof had been therein referred to and included, instead of the said Court of Prerogative in *Ireland* and the Judge thereof.

Short Title.

XXXVI. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "Court of Probate Act (*Ireland*), 1859."

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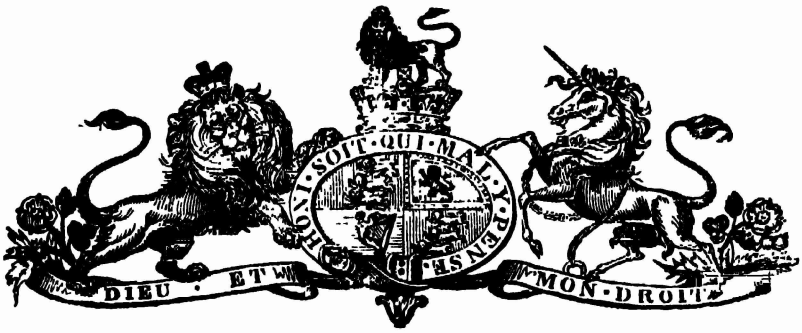

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XXXII.

An Act to amend the Law concerning the Police in Counties and Boroughs in *England* and *Wales*.

[13th *August* 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Police Districts under 3 & 4 Vict. c. 88. and 19 & 20 Vict. c. 69. may be consolidated or merged.

I. The Powers given to the Justices of the Peace in General or Quarter Sessions by Section Twenty-seven of the Act of the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, and by Section Four of the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, to alter from Time to Time the Extent of Police Districts, shall extend and be deemed to have extended to authorize the Union of Two or more Police Districts, with or without any other Alteration of Limits, or the Consolidation for Police Purposes of any such District or Districts with the rest or with any Part of their County.

County Constables not to be required to

II. No County Constable shall, as such Constable, be required to act in any Borough having a separate Police Establishment, except in

act in any Borough.

in Execution of Warrants of Justices of such County, or by the Order of his Chief Constable or Superintendent; and in all Cases of special Emergency the Chief Constable or Superintendent, when required so to do by the Watch Committee of any Borough having a separate Police Establishment, shall have Power to direct the County Constables to act within such Borough; and no Constable of any Borough having a separate Police Establishment shall as such Constable be required to act out of his Borough, except in Execution of Warrants of Justices of such Borough, or in pursuance of Directions from the Watch Committee in case of special Emergency.

County Constables not to vote in certain Municipal Elections.

III. No Chief or other Constable already appointed or hereafter to be appointed for any County, under the Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-three, or the said Act of the Third and Fourth Years of Her Majesty, or the said Act of the Nineteenth and Twentieth Years of Her Majesty, shall during the Time he continues to be such Constable be capable of giving his Vote for the Election of any Person to any Municipal Office in any Borough within such County, or in any other Borough in which such Constable has Authority, nor shall any such Constable, by Word, Message, Writing, or in other Manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving, his Vote for the Choice of any Person to hold any Municipal Office in such Borough; and if any such Constable shall offend therein he shall forfeit the Sum of Ten Pounds, to be recovered in any Court of competent Jurisdiction, by any Person who shall sue for the same within Six Months after the Commission of the Offence, and One Half of the Sum recovered shall be paid to the Person suing for the same, and the other Half to the Treasurer of the County, to be by him applied for the Purposes of the Police of the County.

Sect. 13. of 2 & 3 Vict. c. 93. amended.

IV. So much of Section Thirteen of the said Act of the Second and Third Years of Her Majesty, Chapter Ninety-three, as provides that every Constable who shall resign or withdraw himself without such Leave or Notice as therein mentioned shall be liable, on being convicted thereof before any Two Justices of the Peace for the County, to forfeit all Arrears of Pay then due to him, or to a Penalty not more than Five Pounds, shall be repealed; and in case any Constable under the said Acts of the Second and Third Years, Third and Fourth Years, and Nineteenth and Twentieth Years of Her Majesty, or any of them, shall resign or withdraw himself from his Duty without such Leave or Notice as is required by the said Section, such Resignation or Withdrawal shall be notified in Writing, by the Chief Constable or by the Superintendent under whom the offending

offending Constable may have been placed, to the Treasurer of the County or the Paymaster of the Constabulary Force, and all Arrears of Pay then due to such Constable so resigning or withdrawing shall, without further Proceeding in respect of his Offence, be forfeited; and upon summary Conviction of such Offence before any Two Justices of the Peace for the County such Constable shall be liable to a Penalty not exceeding Five Pounds.

Limitation of Borough Watch Rate under 2 & 3 Vict. c. 28. and 3 & 4 Vict. c. 28. repealed.

V. So much of the Acts passed in the Second and Third Years of Her Majesty, Chapter Twenty-eight, for more equally assessing Watch Rates in certain Boroughs, and of the Act passed in the Third and Fourth Years of Her Majesty, Chapter Twenty-eight, to explain and amend the previously mentioned Act, as provides that the Amount of Watch Rate to be levied by the Council of any Borough shall not exceed in any One Year the Rate or Sum of Sixpence in the Pound, or otherwise limits the Discretion of the said Council in relation to the Amount of such Rates, shall be repealed.

Rates under the said Acts not to exceed 8*d.* in the Pound.

VI. The Watch Rates levied under the Authority of the said Act may be of any Amount, at the Discretion of the Council, not exceeding in any One Year the Sum of Eightpence in the Pound.

11 & 12 Vict. c. 14. repealed.

VII. The Act passed in the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Fourteen, "for authorizing "a Borough Police Superannuation Fund," shall be repealed; but any Superannuation Fund created or applied under that Act shall be transferred to and form Part of the Superannuation Fund to be created or applied under this Act.

Superannuation Fund to be provided for Constables.

VIII. There shall be deducted from the Pay of every Constable belonging to the Police Force established in any Borough under the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Seventy-six, a Sum after such yearly Rate as the Council of the Borough may direct, not exceeding the Rate of Two Pounds Ten Shillings in a Hundred Pounds for a Year, which Sum so deducted, and also the Moneys accruing from Stoppages from any of the said Constables during Sickness, and Fines imposed on any of the said Constables for Misconduct, and from any Portion of the Fines imposed by any Justice of the Peace upon drunken Persons, or for Assaults upon Police Constables, and from Moieties of Fines and Penalties awarded to Informers (being Police Constables) on summary Convictions as shall be directed by such Justice to be paid for the Benefit of this Fund, and all Moneys arising from the Sale of worn or cast Clothing supplied for the Use of the said Constables, shall from Time to Time be invested in such Manner as the

the Council may direct, and the Interest and Dividends thereof, or so much of the same as shall not be required for the Purposes hereinafter mentioned, shall be likewise invested in the like Manner, and accumulate so as to form a Superannuation Fund, and shall be applied from Time to Time for Payment of such Superannuation or Retiring Allowances or Gratuities as may be ordered by the Watch Committee, as herein-after provided; and the Council shall guarantee the Security of the Superannuation Fund of their Borough, and make good out of the Borough Fund or the Borough Rates any Deficiency which may arise in such Superannuation Fund from the Default o any Treasurer or other Person intrusted with the Custody or Management thereof.

Rates of Allowance from the said Fund.

IX. It shall be lawful for the Watch Committee of any Borough, with the Approbation of the Council, to order that any of the said Constables who may be worn out or otherwise disabled from Infirmity of Mind or Body be superannuated, and receive thereupon, out of the Superannuation Fund, a yearly Allowance, subject to the following Conditions, and not exceeding the following Proportions; (that is to say,) if the Constable has served with Diligence and Fidelity for Fifteen Years and less than Twenty Years, an annual Sum not more than Half his Pay; if for Twenty Years or upwards, an annual Sum not more than Two Thirds of his Pay; provided that if he be under Sixty Years of Age it shall not be lawful to grant any such Allowance unless upon the Certificate of the Chief or Head Constable that the Constable to be superannuated is incapable from Infirmity of Mind or Body to discharge the Duties of his Office; provided also, that if any Constable be disabled, from any Wound or Injury received in the actual Execution of the Duty of his Office, it shall be lawful to grant him any Allowance not more than the whole of his Pay; but nothing herein contained shall be construed to entitle any Constable absolutely to any Superannuation Allowance, or to prevent his being dismissed without Superannuation Allowance.

Power to grant Gratuities to incapacitated Constables who have not served Fifteen Years.

X. It shall be lawful for the Watch Committee of any Borough, if they think fit, with the Approbation of the Council, and upon the Recommendation of the Chief or Head Constable, and upon his certifying that any Constable belonging to the Police Force of the Borough who has not served so long as Fifteen Years is incapable from Infirmity of Mind or Body to discharge the Duties of his Office, to order that such Constable shall receive out of the Superannuation Fund such Sum in gross as a Gratuity upon his Retirement as to the said Watch Committee may seem proper.

XI. Any

XI. Any Fee payable to any Constable appointed for any Borough, for the Performance of any Act done in the Execution of his Duty as such Constable, shall be received in such Manner as the Watch Committee, subject to the Approbation of the Council, may direct, and shall be paid over to the Superannuation Fund.

Fees received by Constables of a Borough to be paid to the Superannuation Fund.

XII. If at any Time the Superannuation Fund to be created under this Act for any Borough be found insufficient to pay the Allowances granted upon it, the Amount in which the Fund shall from Time to Time be found insufficient shall be made good from the Borough Fund, or where such Fund be inadequate then from the Borough Rates.

Provision for Insufficiency of Superannuation Fund.

XIII. The Superannuation Fund created under this Act in any Borough shall vest in the Treasurer of the Borough, and such Treasurer shall keep a separate Account of all Sums of Money by him received and paid in respect of such Superannuation Fund or for Superannuations, and of the several Matters for which such Sums have been received and paid, and all Provisions concerning the keeping, auditing, and publishing, and otherwise in relation to the Accounts kept by such Treasurer, under the said Act of the Fifth and Sixth Years of King *William* the Fourth, shall be applied to the Accounts kept under this Enactment.

Superannuation Fund to vest in Borough Treasurer.

XIV. That a Moiety of any Penalty imposed on summary Conviction by the Act of the Eighteenth and Nineteenth Years of Her present Majesty, intituled *An Act to repeal the Act of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, for further regulating the Sale of Beer and other Liquors on the Lord's Day, and to substitute other Provisions in lieu thereof*, may be directed by the Justice imposing the Penalty to be paid for the Benefit of the Superannuation Fund herein-before mentioned of the County or Borough, according as the Offence so punished shall be committed within the Limits of the County or Borough, and shall be invested and otherwise dealt with accordingly.

Moiety of Penalty on Summary Conviction may be directed to be paid for the Benefit of Superannuation Fund.

XV. Allowances heretofore granted to Constables, or which might have been granted to Constables appointed previous to the passing of this Act, under the said Act of the Eleventh and Twelfth Years of Her Majesty, shall be paid from the Superannuation Fund to be applicable under this Act; and all Constables now appointed in any Borough in which the Provisions of the said last-mentioned Act are now in force shall be entitled to receive from the Superannuation Fund all such Allowances, payable at such Times, and with and under

Provision for Payment of Allowances heretofore granted.

Rights, &c under the repealed Act reserved.

under the same Rights and Conditions, as they would have been entitled to if this Act had not passed.

How past Services of existing Constables to be reckoned for Superannuation Allowance.

XVI. The Periods of Service during which Constables have been subjected to Deductions from their Pay towards a Superannuation Fund under the said Act of the Eleventh and Twelfth Years of Her Majesty shall, in determining what Superannuation Allowances may be granted to them, be reckoned and allowed to such Constables, and in the Case of Constables permanently appointed in any Borough for which no Superannuation Fund has been provided, and from whose Pay no such Deduction has been paid, One Half only of the respective Periods of Service of such Constables before the passing of this Act shall be reckoned or allowed to such Constables in determining what Superannuation Allowances may be granted under this Act.

Provision for the Case of Consolidation of County and Borough Police.

XVII. On the Consolidation of the Police of any Borough with the Police of any County, under the Provisions of the Act of the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, the Superannuation Allowance previously granted to any Borough Constable shall be charged on the Borough Fund or the Borough Rates of the Borough, and the Superannuation Allowance to be thereafter granted to any Borough Constable transferred under such Consolidation shall be charged upon the Superannuation Fund of the County; and in determining the Amount of any such Allowance the Period of Service of any such Constable in the Borough shall be reckoned as if the same had been in the County Police; and this Charge, and the Disposal of the Borough Superannuation Fund, shall form a Part of the Agreement to be entered into on the Consolidation.

Justices may direct Police to keep Order in Court of Assize.

XVIII. It shall be lawful for the Justices of the Peace of any County, in General or Quarter Sessions assembled, if they shall think fit, to direct that a sufficient Number of Police Constables of the said County shall be employed to keep Order in and within the Precincts of the Court of Assize, and the Chief Constable of the County shall thereupon employ a sufficient Number of such Constables for such Purpose, and in that Case it shall not be necessary for the High Sheriff to provide and maintain any Javelin Men, or other Men Servants with Liveries, at the Assizes, anything contained in the Act of the Thirteenth and Fourteenth Years of His Majesty King *Charles* the Second, Chapter Twenty-one, notwithstanding.

On Promotion of Constables

XIX. In order to provide the most meritorious and fit Men to fill the superior Ranks in the Police, any Constable or Officer promoted from one

one Force to another, either of a County or a Borough, who shall have served in his last Force for a Period of Seven Years, shall, for the Purposes of Superannuation, reckon as Service in the Force to which he is promoted One Half of the Period of his previous Service, provided that the Promotion be made, in the Case of a County Constable, on the Recommendation of the Chief Constable, with the Sanction of the Court of Quarter Sessions, and in the Case of a Borough Constable on the Recommendation of the Head Constable of the Borough, with the Sanction of the Council, and that in both Cases the Service be formally certified at the Time of Promotion.

from one Force to another, Half of past Service may be reckoned as Service in the latter Force.

XX. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the Council for any Borough, may, upon the Recommendation of the Chief or Head Constable, grant a Gratuity out of the Superannuation Fund of their County or Borough to the Widow of any Constable who has died in the Service, provided the Sum so granted do not exceed the Amount of One Year's Pay of such Constable, and that he have contributed to the Superannuation Fund for a Period of not less than Three Years.

General or Quarter Sessions of Counties, &c. may grant Gratuities to Widows of Constables dying in Service.

XXI. None of the Provisions of this Act relating to a Police Superannuation Fund, or Contributions thereto or Payments thereout, shall apply to any County, City, or Borough in which a Police Superannuation Fund has at the Time of the passing of this Act been established under the Provisions of any Local Act now in force.

Act not to apply, as to Superannuation Fund, to Places where such a Fund has been already established.

XXII. Whereas the County of *Lincoln* is under Three separate Commissions of the Peace, namely, *Lindsey*, *Kesteven*, and *Holland*, but is for Police Superintendence under One Chief Constable, and it is found inconvenient and unjust that the Superannuation Fund should be separate: Be it enacted, That after the passing of this Act the said Superannuation Fund shall be One common Account, so long as the Police Force for the said County of *Lincoln* shall be under the Direction of One Chief Constable for the Three Divisions; but if the said Force shall hereafter be separated under different Chief Constables, in that Case it shall be lawful to divide the said Superannuation Fund in proportion to the Number of Men for each Division of the said County of *Lincoln* at that Time serving in the said Force, the said Superannuation Fund to be under the Management of the Joint Committee for the Three Divisions, and invested by them from Time to Time.

Superannuation Fund for the whole County of Lincoln to be One common Fund.

XXIII. And whereas under and by virtue of an Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better regulating, paving,*

Brighton Watchmen's Superannuation Fund to be trans-

ferred to Brighton Police Superannuation Fund.

paving, improving, and managing the Town of Brighthelmston *in the County of* Sussex, *and the Poor thereof*, the Commissioners therein named appointed Watchmen under the Power of that Act to keep Watch and Ward within the Limits thereof (such Limits being the same as those of the Borough); and such Watchmen were sworn in as Constables, and such Watchmen contributed from their weekly Wages Sums to form a Fund in the Nature of a Police Superannuation Fund: And whereas Her present Majesty, by the Advice of Her Privy Council, by certain Letters Patent under the Great Seal of *Great Britain* and *Ireland*, bearing Date the First Day of *April* in the Seventeenth Year of Her Reign, granted that the Inhabitants of the said Town should be for ever thereafter One Body Politic and Corporate, and should be called "The Mayor, Aldermen, and Burgesses of the Borough of *Brighton*," and should have perpetual Succession and a Common Seal, and the Mayor, Aldermen, and Councillors of the said Borough have been duly elected, and the Council thereof duly established, pursuant to the Charter: And whereas at the Time when the said recited Charter of Incorporation came into operation within the Borough the said Fund amounted to a considerable Sum, which was deposited in the Hands of Trustees, and had been invested by them in Government Securities, and the same now remains vested in such Securities: And whereas the Watch Committee of the Borough, on their first Appointment of Constables for the Borough, appointed all the said Watchmen who were then in Office to be such Constables: And whereas, under the Powers and Provisions of an Act made and passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for authorizing a Borough Police Superannuation Fund*, the Council have established a Police Superannuation Fund in and for the Borough: And whereas it is expedient that the Fund so contributed as aforesaid, and the Securities wherein the same is invested, should be added to the Borough of *Brighton* Police Superannuation Fund: Be it enacted, That the Fund so contributed as aforesaid by the Watchmen appointed by the said Commissioners, and the Securities wherein the same is invested, and all Arrears of Dividends thereon, shall be and the same is hereby vested in the Treasurer of the said Borough for the Time being, and shall be transferred and paid to such Treasurer accordingly, who shall hold the same as Part of the Police Superannuation Fund of the said Borough so as aforesaid established under the Authority of the said Act for authorizing a Borough Police Superannuation Fund.

Gratuities may be granted as

XXIV. The Court of General or Quarter Sessions for any County, and the Watch Committee, subject to the Approbation of the

the Council for any Borough, may, upon the Recommendation of the Chief Constable of any County Police Force, or of the Superintendent of the Police for the said Borough, grant to any Constable in the said County or Borough, out of the Police Rate or Borough Fund, a Gratuity in Money not exceeding Three Pounds, in respect of and as a Reward for any meritorious Act done by the said Constable in the Execution of his Duty.

Reward for good Service to Police out of Police Rates, &c.

XXV. All the Penalties and Provisions of the Act passed in the Second and Third Years of King *William* the Fourth, Chapter Four, "for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty," shall extend and be applicable to Constables and other Persons employed in the Police of any County, City, Borough, District, or Place whatsoever, in like Manner as to any Person employed in the Public Service of Her Majesty within the Meaning of that Act, and for all the Purposes of the said Act the Employment of Constable or any other such Employment in the Police shall be deemed an Employment in the Public Service of Her Majesty.

Embezzlement by Constables punishable under 2 & 3 W. 4. c. 4.

XXVI. The Chief Constable of any County Police Force, and the Watch Committee of any City, Borough, District, or Place, is and are hereby empowered to suspend any Constable, within their respective Jurisdiction, whom he or they shall think remiss or negligent in the Discharge of his Duty, or otherwise unfit for the same; and the said Chief Constable or Watch Committee is and are hereby also empowered, at his or their Discretion, to fine any such Constable in a Sum of Money not exceeding One Week's Pay, and to reduce the said Constable from a superior to an inferior Rank, such Fine and Reduction in Rank to be in addition to any other Punishment to which the said Constable may be liable; and all Punishment, Penalties, and Fines, such as above enumerated, heretofore imposed or inflicted under Rules framed under and by virtue of the Third Section of the Act of the Second and Third *Victoria*, Chapter Ninety-three, shall be deemed to have been legally imposed or inflicted.

Chief Constable empowered to suspend Constables.

XXVII. The Office or Employment of Inspector under the Act of the Nineteenth and Twentieth Years of Her Majesty, Chapter Sixty-nine, shall not prevent the Holder thereof from receiving any Half Pay to which if he did not hold such Office or Employment he might be or become entitled.

Inspectors under 19 & 20 Vict c. 69. still entitled to Half Pay.

XXVIII. That Sections Sixteen, Seventeen, and Eighteen of the Act, Third and Fourth *Victoria*, Chapter Eighty-eight, be repealed as far as relates to local Constables; provided that the Power of Justices of

Repeal of Parts of 3 & 4 Vict. c. 88. as to local Constables.

of the County in General or Quarter Session assembled, subject to the Approval of One of Her Majesty's Principal Secretaries of State, to settle Tables of Fees and Allowances, shall be retained as far as relates to the County Constabulary.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XXXIII.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts.

[13th *August* 1859.]

WHEREAS, in pursuance of the Act of the Fifteenth Year of Her Majesty, "to facilitate Arrangements for the "Relief of Turnpike Trusts, and to make certain Pro- "visions respecting Exemptions from Tolls," certain Provisional Orders have been made for reducing the Rate of Interest on the Mortgage Debts charged or secured on the Tolls or Revenues of certain Turnpike Roads, and such Orders have been published in the *London Gazette* and in Newspapers circulating in the Neighbourhood of such Roads, and the Dates of such Provisional Orders, and the Acts under which the Tolls or Revenues on which such Debts are charged or secured are levied or raised, together with the Amount to which the Rate of Interest on such Debts is to be reduced, and the Day from which the Interest on such Debts is to be reduced by such Orders, are mentioned in the Schedule to this Act, and the First and Second of the said Orders bearing Date in the

14 & 15 Vict. c. 38.

the Year One thousand eight hundred and fifty-eight were made by the Right Honourable *Spencer Horatio Walpole*, who at the Date thereof was One of Her Majesty's Principal Secretaries of State, and the Third of the said Orders bearing Date in the Year One thousand eight hundred and fifty-nine was made by the Right Honourable *Thomas Henry Sutton Sotheron Estcourt*, who at the Date thereof was One of such Secretaries of State: And whereas it is expedient that the said Provisional Orders should be confirmed and made absolute: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Provisional Orders confirmed.

I. The said Provisional Orders are hereby confirmed and made absolute, and shall be as binding and of the like Force and Effect as if the Provisions thereof had been expressly enacted by Parliament.

SCHE-

SCHEDULE.

Date of Provisional Order.	TITLE OF LOCAL ACT.	Amount of Principal Debt.	Interest to be reduced to the following Rates per Annum.	Interest to be reduced from the following Dates.
		£ s. d.		
1858. 9 Nov.	1 & 2 G. 4. c. xvi., "An Act for continuing "the Term and altering and enlarging the "Powers granted by Two Acts of His late "Majesty, for repairing and widening the "Road from Skipton to the Turnpike Road "leading from Leeds to Ripon near Ockbock "in the Township of Bilton-with-Harrogate, "and from thence to communicate with the "Road leading from Knaresborough to "Wetherby, in the West Riding of the "County of York."	3,565 0 0	4*l.* per Cent.	24 June 1858.
21 Dec.	9 G. 4. c. lxxvii., "An Act to alter, amend, "and enlarge the Powers and Provisions of "several Acts relating to the Road from "Chester to Wrexham in the City and "County of Chester and the Counties of "Flint and Denbigh."	4,800 0 0	4*l.* per Cent.	31 Dec. 1858.
1859. 31 March	9 G. 4. c. lxxxiv., "An Act for more effectually "repairing the Dunster, Stowey, Watchet, "and Crowcombe Districts of the Minehead "Roads in the Counties of Somerset and "Devon; and for making and repairing "several other Roads communicating with "the same Districts of Road, or some of "them."	8,449 10 0	3*l.* per Cent.	1 Jan. 1859.

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hundred and sixty: And whereas it is expedient that the said Powers should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Powers of the Commissioners continued until the 1st January 1861.

I. The Powers conferred on the said Commissioners by the said Act shall continue until the First Day of *January* One thousand eight hundred and sixty-one, and all Powers which under the said Act might have been exercised by Colleges or other Bodies or Persons during the Continuance of the Powers of the said Commissioners shall continue and may be exercised until the said First Day of *January* One thousand eight hundred and sixty-one.

Repeal of the University Statutes of Queen Elizabeth postponed to 1st January 1861.

II. The Statutes made by Queen *Elizabeth* for the Government and Regulation of the said University, which by Section Forty-one of the said Act would be repealed after the First Day of *January* One thousand eight hundred and sixty, or such or so much of them or of any of them as shall be unrepealed by any Statute made under the Authority of the said Act and this Act or either of them, shall continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and no longer.

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CAP. XXXV.

An Act to further amend the Law of Property, and to relieve Trustees. [13th *August* 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Leases.

Restriction on Effect of Licence to alien.

I. Where any Licence to do any Act which without such Licence would create a Forfeiture, or give a Right to re-enter, under a Condition or Power reserved in any Lease heretofore granted or to be hereafter granted, shall at any Time after the passing of this Act be given to any Lessee or his Assigns, every such Licence shall, unless otherwise expressed, extend only to the Permission actually given, or to any specific Breach of any Proviso or Covenant made or to be made, or to the actual Assignment, Under-lease, or other Matter thereby specifically authorized to be done, but not so as to prevent any Proceeding for any subsequent Breach (unless otherwise specified in such Licence); and all Rights under Covenants and Powers of Forfeiture and Re-entry in the Lease contained shall remain in full force and virtue, and shall be available as against any subsequent Breach of Covenant or Condition, Assignment, Under-lease, or other

Matter not specifically authorized or made dispunishable by such Licence, in the same Manner as if no such Licence had been given; and the Condition or Right of Re-entry shall be and remain in all respects as if such Licence had not been given, except in respect of the particular Matter authorized to be done.

Restricted Operation of partial Licences.

II. Where in any Lease heretofore granted or to be hereafter granted there is or shall be a Power or Condition of Re-entry on assigning or underletting or doing any other specified Act without Licence, and a Licence at any Time after the passing of this Act shall be given to One of several Lessees or Co-Owners to assign or underlet his Share or Interest, or to do any other Act prohibited to be done without Licence, or shall be given to any Lessee or Owner, or any One of several Lessees or Owners, to assign or underlet Part only of the Property, or to do any other such Act as aforesaid in respect of Part only of such Property, such Licence shall not operate to destroy or extinguish the Right of Re-entry in case of any Breach of the Covenant or Condition by the Co-Lessee or Co-Lessees, or Owner or Owners, of the other Shares or Interests in the Property, or by the Lessee or Owner of the rest of the Property (as the Case may be) over or in respect of such Shares or Interests or remaining Property, but such Right of Re-entry shall remain in full Force over or in respect of the Shares or Interests or Property not the subject of such Licence.

Apportionment of Conditions of Re-entry in certain Cases.

III. Where the Reversion upon a Lease is severed, and the Rent or other Reservation is legally apportioned, the Assignee of each Part of the Reversion shall, in respect of the apportioned Rent or other Reservation allotted or belonging to him, have and be entitled to the Benefit of all Conditions or Powers of Re-entry for Nonpayment of the original Rent or other Reservation, in like Manner as if such Conditions or Powers had been reserved to him as incident to his Part of the Reversion in respect of the apportioned Rent or other Reservation allotted or belonging to him.

Policies of Insurance.

Relief against Forfeiture for Breach of Covenant to insure in certain Cases.

IV. A Court of Equity shall have Power to relieve against a Forfeiture for Breach of a Covenant or Condition to insure against Loss or Damage by Fire, where no Loss or Damage by Fire has happened, and the Breach has, in the Opinion of the Court, been committed through Accident or Mistake, or otherwise without Fraud or gross Negligence, and there is an Insurance on foot at the Time of the Application to the Court in conformity with the Covenant to insure, upon such Terms as to the Court may seem fit.

V. The

V. The Court, where Relief shall be granted, shall direct a Record of such Relief having been granted to be made by Endorsement on the Lease or otherwise.

When Relief granted the same to be recorded.

VI. The Court shall not have Power under this Act to relieve the same Person more than once in respect of the same Covenant or Condition; nor shall it have Power to grant any Relief under this Act where a Forfeiture under the Covenant in respect of which Relief is sought shall have been already waived out of Court in favour of the Person seeking the Relief.

Court not to relieve any Person more than once in respect of the same Covenant, &c.

VII. The Person entitled to the Benefit of a Covenant on the Part of a Lessee or Mortgagor to insure against Loss or Damage by Fire shall, on Loss or Damage by Fire happening, have the same Advantage from any then subsisting Insurance relating to the Building covenanted to be insured, effected by the Lessee or Mortgagor in respect of his Interest under the Lease or in the Property, or by any Person claiming under him, but not effected in conformity with the Covenant, as he would have from an Insurance effected in conformity with the Covenant.

Lessor to have Benefit of an informal Insurance.

VIII. Where, on the bonâ fide Purchase after the passing of this Act of a Leasehold Interest under a Lease containing a Covenant on the Part of the Lessee to insure against Loss or Damage by Fire, the Purchaser is furnished with the written Receipt of the Person entitled to receive the Rent, or his Agent, for the last Payment of Rent accrued due before the Completion of the Purchase, and there is subsisting at the Time of the Completion of the Purchase an Insurance in conformity with the Covenant, the Purchaser or any Person claiming under him shall not be subject to any Liability, by way of Forfeiture or Damages or otherwise, in respect of any Breach of the Covenant committed at any Time before the Completion of the Purchase, of which the Purchaser had not Notice before the Completion of the Purchase; but this Provision is not to take away any Remedy which the Lessor or his legal Representatives may have against the Lessee or his legal Representatives for Breach of Covenant.

Protection of Purchaser against Forfeiture under Covenant for Insurance against Fire in certain Cases.

IX. The preceding Provisions shall be applicable to Leases for a Term of Years absolute, or determinable on a Life or Lives or otherwise, and also to a Lease for the Life of the Lessee or the Life or Lives of any other Person or Persons.

Preceding Provisions to apply to Leases for a Term of Years absolute, &c.

Rentcharges.

X. The Release from a Rentcharge of Part of the Hereditaments charged therewith shall not extinguish the whole Rentcharge, but shall

Release of Part of Land charged not to be an

Extinguishment.

shall operate only to bar the Right to recover any Part of the Rentcharge out of the Hereditaments released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments remaining unreleased, and not concurring in or confirming the Release.

Judgments.

Release of Part of Land charged not to affect Judgment.

XI. The Release from a Judgment of Part of any Hereditaments charged therewith shall not affect the Validity of the Judgment as to the Hereditaments remaining unreleased, or as to any other Property not specifically released, without Prejudice nevertheless to the Rights of all Persons interested in the Hereditaments or Property remaining unreleased, and not concurring in or confirming the Release.

Powers.

Mode of Execution of Powers.

XII. A Deed hereafter executed in the Presence of and attested by Two or more Witnesses in the Manner in which Deeds are ordinarily executed and attested shall, so far as respects the Execution and Attestation thereof, be a valid Execution of a Power of Appointment by Deed or by any Instrument in Writing not testamentary, notwithstanding it shall have been expressly required that a Deed or Instrument in Writing made in exercise of such Power should be executed or attested with some additional or other Form of Execution or Attestation or Solemnity: Provided always, that this Provision shall not operate to defeat any Direction in the Instrument creating the Power that the Consent of any particular Person shall be necessary to a valid Execution, or that any Act shall be performed in order to give Validity to any Appointment, having no Relation to the Mode of executing and attesting the Instrument, and nothing herein contained shall prevent the Donee of a Power from executing it conformably to the Power by Writing or otherwise than by an Instrument executed and attested as an ordinary Deed, and to any such Execution of a Power this Provision shall not extend.

Sale under Power not to be avoided by reason of mistaken Payment to Tenant for Life.

XIII. Where under a Power of Sale a bonâ fide Sale shall be made of an Estate with the Timber thereon, or any other Articles attached thereto, and the Tenant for Life or any other Party to the Transaction shall by Mistake be allowed to receive for his own Benefit a Portion of the Purchase Money as the Value of the Timber or other Articles, it shall be lawful for the Court of Chancery, upon any Bill or Claim or Application in a summary Way, as the Case may require or permit, to declare that upon Payment by the Purchaser, or the Claimant under him, of the full Value of the Timber and Articles at the Time of Sale, with such Interest thereon as the Court shall direct, and the Settlement of the said Principal Moneys and Interest under the Direction of the Court upon such Parties as in the Opinion of the Court shall be entitled thereto, the said Sale ought to be established;

established; and upon such Payment and Settlement being made accordingly the Court may declare that the said Sale is valid, and thereupon the legal Estate shall vest and go in like Manner as if the Power had been duly executed, and the Costs of the said Application as between Solicitor and Client shall be paid by the Purchaser or the Claimant under him.

Devisee in Trust may raise Money by Sale, notwithstanding Want of express Power in the Will.

XIV. Where by any Will which shall come into operation after the passing of this Act the Testator shall have charged his Real Estate or any specific Portion thereof with the Payments of his Debts, or with the Payment of any Legacy or other specific Sum of Money, and shall have devised the Estate so charged to any Trustee or Trustees for the whole of his Estate or Interest therein, and shall not have made any express Provision for the raising of such Debt, Legacy, or Sum of Money out of such Estate, it shall be lawful for the said Devisee or Devisees in Trust, notwithstanding any Trusts actually declared by the Testator, to raise such Debts, Legacy, or Money as aforesaid by a Sale and absolute Disposition by Public Auction or Private Contract of the said Hereditaments or any Part thereof, or by a Mortgage of the same, or partly in one Mode and partly in the other, and any Deed or Deeds of Mortgage so executed may reserve such Rate of Interest and fix such Period or Periods of Repayment as the Person or Persons executing the same shall think proper.

Powers given by last Section extended to Survivors, Devisees, &c.

XV. The Powers conferred by the last Section shall extend to all and every Person or Persons in whom the Estate devised shall for the Time being be vested by Survivorship, Descent, or Devise, or to any Person or Persons who may be appointed under any Power in the Will, or by the Court of Chancery, to succeed to the Trusteeship vested in such Devisee or Devisees in Trust as aforesaid.

Executors to have Power of raising Money, &c. where there is no sufficient Devise.

XVI. If any Testator who shall have created such a Charge as is described in the Fourteenth Section shall not have devised the Hereditaments charged as aforesaid in such Terms as that his whole Estate and Interest therein shall become vested in any Trustee or Trustees, the Executor or Executors for the Time being named in such Will (if any) shall have the same or the like Power of raising the said Moneys as is herein-before vested in the Devisee or Devisees in Trust of the said Hereditaments, and such Power shall from Time to Time devolve to and become vested in the Person or Persons (if any) in whom the Executorship shall for the Time being be vested; but any Sale or Mortgage under this Act shall operate only on the Estate and Interest, whether legal or equitable, of the Testator, and shall not render it unnecessary to get in any outstanding subsisting legal Estate.

 XVII. Pur-

Purchasers, &c. not bound to inquire as to Powers.

XVII. Purchasers or Mortgagees shall not be bound to inquire whether the Powers conferred by Sections Fourteen, Fifteen, and Sixteen of this Act, or either of them, shall have been duly and correctly exercised by the Person or Persons acting in virtue thereof.

Sections 14, 15, and 16 not to affect certain Sales, &c. nor to extend to Devises in Fee or in Tail.

XVIII. The Provisions contained in Sections Fourteen, Fifteen, and Sixteen shall not in any way prejudice or affect any Sale or Mortgage already made or hereafter to be made, under or in pursuance of any Will coming into operation before the passing of this Act, but the Validity of any such Sale or Mortgage shall be ascertained and determined in all respects as if this Act had not passed; and the said several Sections shall not extend to a Devise to any Person or Persons in Fee or in Tail, or for the Testator's whole Estate and Interest charged with Debts or Legacies, nor shall they affect the Power of any such Devisee or Devisees to sell or mortgage as he or they may by Law now do.

Inheritance.

Descent how to be traced.

XIX. Where there shall be a total Failure of Heirs of the Purchaser, or where any Land shall be descendible as if an Ancestor had been the Purchaser thereof, and there shall be a total Failure of the Heirs of such Ancestor, then and in every such Case the Land shall descend and the Descent shall thenceforth be traced from the Person last entitled to the Land as if he had been the Purchaser thereof.

Preceding Section incorporated with

XX. The last preceding Section shall be read as Part of the Act "For the Amendment of the Law of Inheritance," of the Session of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter One hundred and six.

Assignment of Personalty.

Assignment to self and others.

XXI. Any Person shall have Power to assign Personal Property, now by Law assignable, including Chattels Real, directly to himself and another Person or other Persons or Corporation, by the like Means as he might assign the same to another.

Purchasers.

After Dec. 31, 1859, Provision as to Re-registry, contained in 2 & 3 Vict. c. 11. and 18 & 19 Vict. c. 15., to apply to Crown Debts.

XXII. From and after the Thirty-first Day of December One thousand eight hundred and fifty-nine the Provision for Re-registry of Judgments, Decrees or Orders, Rules or Orders, contained in the Act of the Session of the Second and Third Years of Queen *Victoria*, Chapter Eleven, as explained and amended by the Act of the Session of the Eighteenth and Nineteenth Years of Queen *Victoria*, Chapter Fifteen, shall extend and apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as is by Section Eight of the first-mentioned Act required to be

be registered, so that it shall be obligatory on the Crown, in order to bind the Lands, Tenements, or Hereditaments of its Debtors or Accountants, as against Purchasers, Mortgagees, or Creditors becoming such after the Thirty-first Day of December One thousand eight hundred and fifty-nine, to re-register, in like Manner as it is obligatory on a private Person, and so that Notice of any such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office, not duly re-registered, shall not avail against Purchasers, Mortgagees, or Creditors becoming such after the Thirty-first Day of December One thousand eight hundred and fifty-nine, as to Lands, Tenements, or Hereditaments; and this Provision shall apply to every such Judgment, Statute, Recognizance, Inquisition, Obligation, Specialty, or Acceptance of Office as since the passing of the first-mentioned Act has been registered under the Provisions therein contained, or as shall hereafter be so registered: This Section shall not extend to Ireland.

Not to be bound to see to the Application of Purchase Money.

XXIII. The bonâ fide Payment to and the Receipt of any Person to whom any Purchase or Mortgage Money shall be payable upon any express or implied Trust shall effectually discharge the Person paying the same from seeing to the Application or being answerable for the Misapplication thereof, unless the contrary shall be expressly declared by the Instrument creating the Trust or Security.

Punishment of Vendor, &c. for fraudulent Concealment of Deeds, &c. or falsifying Pedigree.

XXIV. Any Seller or Mortgagor of Land, or of any Chattels, Real or Personal, or Choses in Action conveyed or assigned to a Purchaser, or the Solicitor or Agent of any such Seller or Mortgagor, who shall after the passing of this Act conceal any Settlement, Deed, Will, or other Instrument material to the Title or any Incumbrance from the Purchaser, or falsify any Pedigree upon which the Title does or may depend, in order to induce him to accept the Title offered or produced to him, with Intent in any of such Cases to defraud, shall be guilty of a Misdemeanor, and being found guilty shall be liable, at the Discretion of the Court, to suffer such Punishment, by Fine or Imprisonment for any Time not exceeding Two Years, with or without Hard Labour, or by both, as the Court shall award, and shall also be liable to an Action for Damages at the Suit of the Purchaser or Mortgagee, or those claiming under the Purchaser or Mortgagee, for any Loss sustained by them or either or any of them in consequence of the Settlement, Deed, Will, or other Instruments or Incumbrance so concealed, or of any Claim made by any Person under such Pedigree, but whose Right was concealed by the Falsification of such Pedigree; and in estimating such Damages, where the Estate shall be recovered from such Purchaser or Mortgagee, or from those claiming under the Purchaser or Mortgagee, regard shall

shall be had to any Expenditure by them or either or any of them in Improvements on the Land; but no Prosecution for any Offence included in this Section against any Seller or Mortgagor, or any Solicitor or Agent, shall be commenced without the Sanction of Her Majesty's Attorney General, or in case that Office be vacant of Her Majesty's Solicitor General; and no such Sanction shall be given without such previous Notice of the Application for Leave to prosecute to the Person intended to be prosecuted as the Attorney General or the Solicitor General (as the Case may be) shall direct.

Interpretation of Terms.

XXV. In the Construction of the previous Provisions in this Act the Term "Land" shall be taken to include all Tenements and Hereditaments, and any Part or Share of or Estate or Interest in any Tenements or Hereditaments, of what Tenure or Kind soever; and

The Term "Mortgage" shall be taken to include every Instrument by virtue whereof Land is in any Manner conveyed, assigned, pledged, or charged as Security for the Repayment of Money or Money's Worth lent, and to be reconveyed, re-assigned, or released on Satisfaction of the Debt; and

The Term "Mortgagor" shall be taken to include every Person by whom any such Conveyance, Assignment, Pledge, or Charge as aforesaid shall be made; and

The Term "Mortgagee" shall be taken to include every Person to whom or in whose Favour any such Conveyance, Assignment, Pledge, or Charge as aforesaid is made or transferred:

The Term "Judgment" shall be taken to include registered Decrees, Orders of Courts of Equity and Bankruptcy, and other Orders having the Operation of Judgments.

Trustees and Executors.

Trustee, &c making Payment under Power of Attorney not to be liable by reason of Death of Party giving such Power.

XXVI. No Trustee, Executor, or Administrator making any Payment or doing any Act *bonâ fide* under or in pursuance of any Power of Attorney shall be liable for the Moneys so paid or the Act so done, by reason that the Person who gave the Power of Attorney was dead at the Time of such Payment or Act, or had done some Act to avoid the Power, provided that the Fact of the Death, or of the doing of such Act as last aforesaid, at the Time of such Payment or Act bonâ fide done as aforesaid by such Trustee, Executor, or Administrator, was not known to him: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Right of any Person entitled to the Money against the Person to whom such Payment shall have been made, but that such Person so entitled shall have the same Remedy against such Person to whom such Payment shall be made as he would have had against the Trustee, Executor, or Administrator

strator if the Money had not been paid away under such Power of Attorney.

As to Liability of Executor or Administrator in respect of Rents, Covenants, or Agreements.

XXVII. Where an Executor or Administrator, liable as such to the Rents, Covenants, or Agreements contained in any Lease or Agreement for a Lease granted or assigned to the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities under the said Lease or Agreement for a Lease as may have accrued due and been claimed up to the Time of the Assignment hereafter mentioned, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Lessee to be laid out on the Property demised or agreed to be demised, although the Period for laying out the same may not have arrived, and shall have assigned the Lease or Agreement for a Lease to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the Parties entitled thereto respectively, without appropriating any Part, or any further Part, (as the Case may be,) of the Personal Estate of the Deceased to meet any future Liability under the said Lease or Agreement for a Lease; and the Executor or Administrator so distributing the Residuary Estate shall not, after having assigned the said Lease or Agreement for a Lease, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Lease or Agreement for a Lease; but nothing herein contained shall prejudice the Right of the Lessor or those claiming under him to follow the Assets of the Deceased into the Hands of the Person or Persons to or amongst whom the said Assets may have been distributed.

As to Liability of Executor, &c. in respect of Rents, &c. in Conveyances on Rents-charge.

XXVIII. In like Manner, where an Executor or Administrator liable as such to the Rent, Covenants, or Agreements contained in any Conveyance on Chief Rent or Rentcharge (whether any such Rent be by Limitation of Use, Grant, or Reservation,) or Agreement for such Conveyance, granted or assigned to or made and entered into with the Testator or Intestate whose Estate is being administered, shall have satisfied all such Liabilities under the said Conveyance, or Agreement for a Conveyance, as may have accrued due and been claimed up to the Time of the Conveyance hereafter mentioned, and shall have set apart a sufficient Fund to answer any future Claim that may be made in respect of any fixed and ascertained Sum covenanted or agreed by the Grantee to be laid out on the Property conveyed, or agreed to be conveyed, although the Period for laying out the same may not have arrived, and shall have conveyed such Property, or assigned the said Agreement for such Conveyance as aforesaid, to a Purchaser thereof, he shall be at liberty to distribute the Residuary Personal Estate of the Deceased to and amongst the

Parties entitled thereto respectively, without appropriating any Part or any further Part (as the Case may be) of the Personal Estate of the Deceased to meet any future Liability under the said Conveyance or Agreement for a Conveyance; and the Executor or Administrator so distributing the Residuary Estate shall not, after having made or executed such Conveyance or Assignment, and having, where necessary, set apart such sufficient Fund as aforesaid, be personally liable in respect of any subsequent Claim under the said Conveyance, or Agreement for Conveyance; but nothing herein contained shall prejudice the Right of the Grantor, or those claiming under him, to follow the Assets of the Deceased into the Hands of the Person or Persons to or among whom the said Assets may have been distributed.

As to Distribution of the Assets of Testator or Intestate after Notice given by Executor or Administrator.

XXIX. Where an Executor or Administrator shall have given such or the like Notices as in the Opinion of the Court in which such Executor or Administrator is sought to be charged would have been given by the Court of Chancery in an Administration Suit, for Creditors and others to send in to the Executor or Administrator their Claims against the Estate of the Testator or Intestate, such Executor or Administrator shall, at the Expiration of the Time named in the said Notices or the last of the said Notices for sending in such Claims, be at liberty to distribute the Assets of the Testator or Intestate, or any Part thereof, amongst the Parties entitled thereto, having regard to the Claims of which such Executor or Administrator has then Notice, and shall not be liable for the Assets or any Part thereof so distributed to any Person of whose Claim such Executor or Administrator shall not have had Notice at the Time of Distribution of the said Assets or a Part thereof, as the Case may be; but nothing in the present Act contained shall prejudice the Right of any Creditor or Claimant to follow the Assets or any Part thereof into the Hands of the Person or Persons who may have received the same respectively.

Trustee, Executor, &c. may apply by Petition to Judge of Chancery for Opinion, Advice, &c. in Management, &c. of Trust Property.

XXX. Any Trustee, Executor, or Administrator shall be at liberty, without the Institution of a Suit, to apply by Petition to any Judge of the High Court of Chancery, or by Summons upon a written Statement to any such Judge at Chambers, for the Opinion, Advice, or Direction of such Judge on any Question respecting the Management or Administration of the Trust Property or the Assets of any Testator or Intestate, such Application to be served upon or the Hearing thereof to be attended by all Persons interested in such Application, or such of them as the said Judge shall think expedient; and the Trustee, Executor, or Administrator acting upon the Opinion, Advice, or Direction given by the said Judge shall be deemed, so far as regards his own Responsibility, to have discharged his Duty as such Trustee, Executor, or Administrator in the Subject Matter of the said Application; provided nevertheless, that this Act shall not extend

to

to indemnify any Trustee, Executor, or Administrator in respect of any Act done in accordance with such Opinion, Advice, or Direction as aforesaid, if such Trustee, Executor, or Administrator shall have been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion, Advice, or Direction; and the Costs of such Application as aforesaid shall be in the Discretion of the Judge to whom the said Application shall be made.

Every Trust Instrument to be deemed to contain Clauses for the Indemnity and Reimbursement of the Trustees.

XXXI. Every Deed, Will, or other Instrument creating a Trust either expressly or by Implication shall, without Prejudice to the Clauses actually contained therein, be deemed to contain a Clause in the Words or to the Effect following; that is to say, "That the Trustees "or Trustee for the Time being of the said Deed, Will, or other In- "strument shall be respectively chargeable only for such Monies, "Stocks, Funds, and Securities as they shall respectively actually "receive notwithstanding their respectively signing any Receipt for "the sake of Conformity, and shall be answerable and accountable "only for their own Acts, Receipts, Neglects, or Defaults, and not "for those of each other, nor for any Banker, Broker, or other Person "with whom any Trust Monies or Securities may be deposited, nor "for the Insufficiency or Deficiency of any Stocks, Funds, or Secu- "rities, nor for any other Loss, unless the same shall happen through "their own wilful Default respectively; and also that it shall be lawful "for the Trustees or Trustee for the Time being of the said Deed, "Will, or other Instrument to reimburse themselves or himself, or "pay or discharge out of the Trust Premises all Expenses incurred "in or about the Execution of the Trusts or Powers of the said Deed, "Will, or other Instrument."

As to Investments by Trustees.

XXXII. When a Trustee, Executor, or Administrator shall not, by some Instruments creating his Trust, be expressly forbidden to invest any Trust Fund on Real Securities, in any Part of the United Kingdom, or on the Stock of the Bank of *England* or *Ireland*, or on *East India* Stock, it shall be lawful for such Trustee, Executor, or Administrator to invest such Trust Fund on such Securities or Stock; and he shall not be liable on that Account as for a Breach of Trust, provided that such Investment shall in other respects be reasonable and proper.

Extent of Act.

Act not to extend to Scotland.

XXXIII. This Act shall not extend to *Scotland*.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

Duties on Probates, &c. continued on Property above the Value of 1,000,000*l.*

the Third, Chapter One hundred and eighty-four, are now payable upon Probates of Wills and Letters of Administration in *England* and *Ireland*, and upon Inventories to be exhibited and recorded in any Commissary Court in *Scotland*, and are imposed by certain graduated Scales according to the Value of the Estate and Effects for or in respect of which such Probate or Letters of Administration are granted, or whereof such Inventory is exhibited or recorded, but such graduated Scales of Duty cease where such Value amounts to One million Pounds and upwards; and it is expedient to extend and continue such Graduation of Duty as herein-after mentioned: Be it enacted, That in lieu of the said Stamp Duties upon such Probates and Letters of Administration and Inventories respectively, where such Value as aforesaid shall amount to One million Pounds or upwards, there shall be charged and paid the following Duties respectively; that is to say,

For every One hundred thousand Pounds of the whole Value of such Estate and Effects, and any fractional Part of One hundred thousand Pounds,

Where the Deceased shall have left any Will or Testament or Testamentary Disposition of his Personal or Moveable Estate and Effects, the Stamp Duty of One thousand five hundred Pounds;

And where the Deceased shall not have left any such Will or Testament or Testamentary Disposition, the Stamp Duty of Two thousand two hundred and fifty Pounds.

The Stamp Duty on Licences to exercise the Faculty of Physic repealed.

II. The Stamp of Fifteen Pounds for and in respect of the Admission or Licence of any Person by the College of Physicians in *England* or *Scotland* to exercise the Faculty of Physic, or practise as a Licentiate, granted by the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter One hundred and eighty-four, and the like Duty now payable in *Ireland* by and under an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, to assimilate the Stamp Duties in *Great Britain* and *Ireland*, shall from and after the passing of this Act be and the same are hereby repealed.

Nothing in 50 G. 3. c. 41. or 55 G. 3. c. 71. to hinder Maker of Goods, or his Children, &c., from carrying

III. And whereas an Act was passed in the Fiftieth Year of the Reign of the late King *George* the Third, Chapter Forty-one, intituled *An Act for placing the Duties of Hawkers and Pedlars under the Management of the Commissioners of Hackney Coaches*, by which certain Rates and Duties (now under the Care and Management of the Commissioners of Inland Revenue) are required to be paid by every Hawker, Pedlar, Petty Chapman, and other trading Person going from Town to Town or to other Men's

Men's Houses in *England*, *Wales*, or *Berwick-upon-Tweed*; and every such Person is thereby required to take out a Licence as therein mentioned; and it is by the said Act provided, that nothing therein contained shall extend to hinder the real Worker or Workers, Maker or Makers, of any Goods, Wares, or Manufactures of *Great Britain*, or his, her, or their Children, Apprentices, or known Agents or Servants, usually residing with such real Workers or Makers only, from carrying abroad or exposing to Sale and selling by Retail or otherwise any of the said Goods, Wares, or Manufactures of his, her, or their own making, in any Mart, Market, or Fair, and in every City, Borough, Town Corporate, and Market Town: And whereas by an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, Chapter Seventy-one, to regulate Hawkers and Pedlars in *Scotland*, Licences chargeable with certain Duties (now likewise under the Care and Management of the said Commissioners) are required to be taken out by every such trading Person in *Scotland*, with a similar Proviso: Be it also enacted, That nothing in the said Two last-mentioned Acts respectively shall extend to hinder any such real Worker or Maker, or his Children, Apprentices, or known Agents or Servants aforesaid, from carrying abroad or exposing to Sale any of the said Goods, Wares, or Manufactures of his own making, at any Place whatever in *Great Britain*.

abroad or exposing to Sale such Goods.

IV. Where any Person shall be convicted of an Offence under either of the aforesaid Acts relating to Hawkers and Pedlars whereby a pecuniary Penalty has become forfeited, it shall be lawful for the Justice of the Peace, or other Person before whom the Information or Complaint is heard, and he is hereby authorized and empowered, if he shall think fit so to do, to mitigate the Penalty to any Sum not less than One Fourth Part thereof, over and above the necessary Costs of the Proceedings to be allowed by him.

Power to Justices, on Conviction of a Hawker, to mitigate the Penalty to One Fourth.

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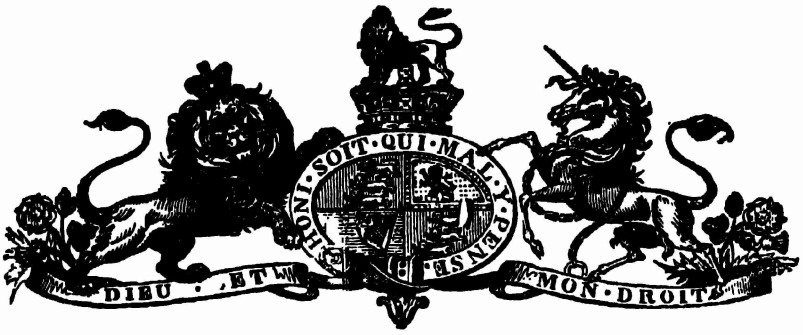

ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XXXVII.

An Act for the Amendment of the Laws relating to the Customs. [13th *August* 1859.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Act of Third and Fourth *William* the Fourth, Chapter One hundred and one, is hereby repealed.

Repeal of 3 & 4 W. 4. c. 101.

II. Any Officer of the Customs having the Charge or Custody of any Goods which shall have come to his Hands under the Laws relating to the Customs is hereby authorized and empowered to refuse Delivery thereof from the Queen's Warehouse or other Place in which the same shall be deposited until Proof shall be given to his Satisfaction that the Freight due upon such Goods has been paid.

Lien for Freight payable before Delivery of Goods from Queen's Warehouse.

III. If any Goods delivered from any Warehouse for Exportation, or for Removal from one Port to another in the United Kingdom, or otherwise, under any Bond required by the Laws relating to the Customs on the Exportation or Removal of such Goods, shall be illegally

Goods under Bond for Exportation to be duly shipped.

illegally removed or carried away from any Carriage, Cart, Boat, Lighter, Quay, Wharf, or other Place, prior to the Shipment thereof on board the exporting or removing Vessel, or from any Ship, Cart, or Carriage in or on which the same shall have been shipped or laden, such Bond shall be forfeited, and may forthwith be put in Suit for the Penalty thereof, although the Time prescribed in such Bond for the landing or Removal and re-warehousing of such Goods at the Place of Destination shall not have expired.

Goods to be correctly stated in the Declaration on Shipping Bills.

IV. In addition to the Declaration upon the Shipping Bill required by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," the Exporter or his Agent shall declare that the Quantity and Description of the Goods mentioned in any such Shipping Bill delivered by him in pursuance of the said Act are correctly stated, and the Declaration hereby required shall be deemed and taken to be a Part of such Shipping Bill, as fully as if the same had been required by the said Act, and if the same shall be false in any Particular the Person making the same shall forfeit the Sum of Twenty Pounds.

Shipping Bills on Exportation to be delivered, and if not acted upon to be notified.

V. Any Exporter of Goods who shall fail, either by himself or his Agent, to deliver to the Searcher a Shipping Bill, with Duplicates thereof, of the Goods exported by him, as prescribed by the One hundred and twenty-fifth Section of "The Customs Consolidation Act, 1853," and this Act, or who, having delivered such Shipping Bill and Duplicates, shall, in the event of the Goods or any Part thereof comprised therein not being duly shipped, in pursuance thereof, fail within Three Days after the final Clearance Outwards of the Ship in which such Goods were in such Shipping Bill entered to be shipped, to attend the proper Officer of Customs, either by himself or his Agent, and correct and make perfect such Shipping Bill, by striking out of the same such of the Goods entered therein as shall not have been shipped in pursuance thereof, shall forfeit the Sum of Twenty Pounds.

Penalty on fraudulent Import Entries and Concealments.

VI. If any Person shall cause to be imported Goods of one Denomination concealed in Packages of Goods of any other Denomination, or shall directly or indirectly cause to be imported or entered any Package of Goods as of one Denomination, but which shall afterwards be discovered, either before or after Delivery thereof, to contain other Goods subject to a higher Rate or Amount of Duty than those of the Denomination by which such Package was entered, such Package and all Goods contained therein shall be forfeited, and every Person shall forfeit and pay for every such Offence a Penalty of One

One hundred Pounds, or treble the Value of the Goods contained in such Package at the Option of the Commissioners of Customs.

Butter and Deals from Canada may be imported viâ Portland.

VII. Whereas by Section Forty-three of "The Customs Consolidation Act, 1853," it is enacted, "that no Goods shall be deemed "to be imported from any particular Place unless they be imported "direct from such Place, and shall have been there laden on board "the importing Ship either as the first Shipment of such Goods or "after the same shall have been actually landed at such Place;" and by Section Seventy-seven of the same Act it is further enacted, "that no Goods shall be entered as being of or from any British "Possession abroad (if any Benefit attach to such Distinction), "(except as therein excepted), unless the Master of the Ship im-"porting the same shall have delivered to the Collector or Comp-"troller a Certificate under the Hand of the proper Officer of the "Place where such Goods were taken on Board of the due Clear-"ance of such Ship from thence, containing an Account of such "Goods;" and by "The Customs Tariff Act, 1855," certain Goods of and from a *British* Possession are entitled to Entry upon Importation into the United Kingdom at a lower Rate of Duty than when imported from a Foreign Country, but are, under the Provisions of Section Forty-three of "The Customs Consolidation Act, 1853," required to be imported direct from the Place of Growth or Produce: And whereas it is expedient to relax the Provisions of the said Act in regard to Butter and Deals the Produce of *Canada* imported from thence into the United Kingdom *viâ Portland* in the United States of *America:* Be it therefore enacted, That, notwithstanding anything in the said Acts contained to the contrary, it shall and may be lawful to import Butter and Deals into the United Kingdom from *Canada viâ Portland*, under such Rules and Regulations as the Commissioners of the Treasury or the Commissioners of Customs may from Time to Time direct and appoint; and that such Goods so imported shall be entitled to the same Privileges, and admissible at the same Rate of Duty, as if imported direct from *Canada*.

Interpretation of Terms.

VIII. For the Removal of Doubts as to the Meaning and Application of the Word "Importer," as used in the Customs Acts, the Word "Importer" in any Act relating to the Customs is hereby declared to apply to and include any Owner or other Person for the Time being possessed of or beneficially interested in any Goods imported into the United Kingdom, from the Time of the Importation thereof until they shall, on Payment of the Duties thereon or otherwise, be duly delivered or discharged from the Custody or Control of the Customs.

IX. In

Short Title.

IX. In citing this Act in other Acts and in legal Instruments it shall be sufficient to use the Expression "The Customs Amendment Act, 1859."

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in different Parts of the United Kingdom should, except as to Persons now serving in the Militia, be repealed, and that the Laws relating to the Militia should be otherwise amended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Sections 8 and 9 of the Act 51 G. 3. c. 118. repealed as to Men hereafter raised for the Militia.

I. All Persons who may be commissioned, raised, and enrolled in and for the regular Militia in *Great Britain* and *Ireland* respectively at any Time after the passing of this Act, under any Act now in force or which may hereafter be in force for raising Men for the Militia, shall be liable to serve in all Parts of the United Kingdom of *Great Britain* and *Ireland* during all or any Part of their Terms of Service in the Militia; and as respects such Persons as aforesaid, Sections Eight and Nine of the said Act of the Fifty-first Year of King *George* the Third shall be repealed.

Her Majesty may employ the present Militia making voluntary Offers beyond the limited Period of Interchange.

II. It shall be lawful for Her Majesty to employ, in Ireland or *Great Britain* respectively, beyond the Period of Two Years mentioned in Section Eight of the said Act, or before the Expiration of Six or Four Years mentioned in Section Nine of the said Act, such Part of the *British* and *Irish* Militia respectively raised before the passing of this Act, as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the said *British* or *Irish* Militia respectively, to propose to such Regiment, Battalion, or Corps to extend the Period of their Services in *Ireland* or *Great Britain*, as the Case may be, beyond the said Term of Two Years, or before the Expiration of the said Six Years or Four Years respectively, under such Rules and Regulations as Her Majesty may think fit and appoint.

The Militia who volunteer may be employed in addition to the Proportion now limited.

III. In reckoning the One Fourth Part of the *British* Militia which may at one Time be employed in *Ireland*, or the One Third Part of the Irish Militia which may at one Time be employed in *Great Britain*, any Part of the present *British* or *Irish* Militia respectively which shall have volunteered to serve in *Ireland* or *Great Britain* respectively beyond the said Period of Two Years, or

or before the Expiration of such Six Years or Four Years, shall be excluded, and may be so employed in addition to such One Fourth Part or One Third Part of the same Militia, as the Case may be.

Her Majesty may accept voluntary Offers of Militia to serve in the Channel Islands.

IV. It shall be lawful for Her Majesty to employ in any of the Isles of *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the *Isle of Man*, such Part of the Militia now raised or hereafter to be raised in any Part of the United Kingdom as may make a voluntary Offer, duly certified by their respective Commanding Officers, so to extend their Services, and as Her Majesty may think proper to permit to extend their Services in consequence of such voluntary Offers as aforesaid; and it shall be lawful for Her Majesty by any Order signed by the Principal Secretary of State, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* or by his or their Chief Secretary, directed to the Commanding Officer of any Regiment, Battalion, or Corps of the said Militia respectively, to propose to such Regiment, Battalion, or Corps to extend their Services to the said Isles of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, under such Rules and Regulations as Her Majesty may think fit and appoint.

Commanding Officer to explain the Offer to be voluntary.

V. No Person serving in the said Militia raised before the passing of this Act shall be compelled to make an Offer to serve or be engaged to serve, except by his own Consent, beyond the said Period of Two Years, or before the Expiration of the said Six Years or Four Years respectively, out of that Part of the United Kingdom in or for which he was enrolled; and no Person now serving, or hereafter serving in such Militia, shall be compelled to make an Offer to serve in the said *Channel Isles*, or be engaged so to serve, except by his own Consent; and no Commanding Officer shall certify according to this Act any voluntary Offer previously to his having explained to every Person of the Militia offering so to serve that the Offer is to be purely voluntary on his Part.

Qualification for Adjutants in Ireland and Great Britain assimilated.

Service in the East Indian Army to be a Qualification.

VI. Where under the Enactments respecting the Appointment of Adjutants in the Militia in *Ireland*, Three Years Service in Her Majesty's Regular Forces or the Forces of the *East India* Company is a Qualification, Five Years Service shall be required for Adjutants hereafter to be appointed; and for the Qualification of Persons to be appointed Adjutants in the Militia, as well in *England* and *Scotland* as in *Ireland*, Service in the Army of the *East India* Company and in Her Majesty's *Indian* Army or in either of them shall be deemed equivalent to Service for the like Term in Her Majesty's Regular Army.

VII. The

Powers vested in Her Majesty for uniting the Militias of Counties extended.

VII. The Power vested in Her Majesty to direct the Militia of a County, Riding, or Place in *England* to be united with a Militia of any County, Riding, or Place adjoining, and the like Power vested in the Lord Lieutenant of *Ireland* as to the Militia of a County in *Ireland*, may be exercised not only where the Number of Militiamen required to be raised for the County, Riding, or Place, appears insufficient to be conveniently formed into a separate Regiment, Battalion, or Corps, but also where the Number of Militiamen actually raised, and serving for such County, Riding, or Place appears to Her Majesty or (in *Ireland*) to the Lord Lieutenant insufficient to be conveniently formed into or continued as a separate Regiment, Battalion, or Corps; and in every Case where the Militia of Two or more Counties, Ridings, or Places are united, it shall be lawful for Her Majesty or (in *Ireland*) for the Lord Lieutenant to direct what Officers shall be appointed by the Lieutenants of such respective Counties, Ridings, or Places, and what Officers already appointed for the separate Militias shall serve in the United Militia, and generally to give such Orders and Directions in relation to the Organization of the United Militia as to Her Majesty or (in *Ireland*) to the Lord Lieutenant may seem convenient.

Times and Places of Training in Great Britain to be appointed by HerMajesty; in Ireland by the Lord Lieutenant.

VIII. So much of the following Sections of the Acts passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, *videlicet*, Chapter One hundred and five, Section Thirty-eight, Chapter One hundred and six, Section Forty-four, and Chapter One hundred and seven, Section Seventeen, as provides for the Appointment of the Times and Places of Training and Exercise of Militiamen in *England*, *Scotland*, and *Ireland* respectively, shall be repealed; and the Times and Places of Training and Exercise of the Militiamen in *England* and *Scotland* respectively shall be appointed by Her Majesty, by Order signified by One of Her Principal Secretaries of State; and the Times and Places of Training and Exercise of the Militiamen in *Ireland* shall be appointed by the Lord Lieutenant, by Order signified by his Chief or Under Secretary; and the Powers vested in the Lord Lieutenant under this and the preceding Section may be exercised by the other Chief Governor or Governors of *Ireland* for the Time being.

Term of Service of Militiamen absent from annual Training to be extended.

IX. Any Militia Volunteer who unlawfully absents himself during the whole of the Time of Training and Exercise in any Year, or during any Part of such Time exceeding Fourteen Days, shall, whether he shall or shall not have been punished for his Offence, be liable to serve, after the Expiration of the Term for which he may have been enrolled, for an additional Year for every annual Period of Training and Exercise from or during which he so absents himself; and

and in every such Case the Colonel or Commanding Officer shall make an Entry on the Roll in which such Volunteer is enrolled of his Absence as aforesaid, and such Entry shall be conclusive Evidence of the Fact of such Volunteer having so absented himself.

X. Any Militia Volunteer who before the Expiration of his Engagement as a Militiaman in any Regiment, Battalion, or Corps, enrols or offers to enrol himself in any other Regiment, Battalion, or Corps of the Militia raised in any Part of the United Kingdom, or in the same Regiment, Battalion, or Corps, whether by the same or by different Names (save in the Way of lawful Renewal of his Engagement,) shall be deemed a Deserter.

Fraudulent Re-enlistment to be deemed Desertion.

XI. Any Militia Volunteer who before the Expiration of his Engagement enrols or offers to enrol himself as aforesaid, may, by Order of the Secretary-at-War, be required to serve in any Regiment, Battalion, or Corps of Militia in which he may have fraudulently enrolled or offered to enrol himself, and thereupon such Militia Volunteer shall be liable to serve in such Regiment, Battalion, or Corps for the same Term and in the same Manner as if his Enrolment therein had been lawful, or he had been lawfully enrolled pursuant to his Offer; and such Order may be made upon any such Militia Volunteer in lieu of or in addition to any Punishment to which he may be otherwise liable, whether he may have been tried by a Court-martial or before a Justice of the Peace; and every such Offender shall forfeit all Bounty due or which would have become due to him, and shall be subjected to such Stoppages from his daily Pay, and for such Time, and to be applied in such Manner, as the Secretary-at-War may direct, to meet the Loss or Expense occasioned by the fraudulent Conduct of the Offender.

Volunteer fraudulently re-enlisting to be subject to serve in any Regiment in which he has enlisted, and to be subject to Stoppages.

XII. Every Deserter from the Militia in any Part of the United Kingdom, and every Person who in respect of any Offence against the Militia Laws is deemed a Deserter, may, whenever he is apprehended, and whether his Term of Service shall or shall not have expired, be tried by a Regimental Court-martial, and punished in manner provided for the Punishment of Deserters by any Act in force for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Articles of War for the Time being in force, with regard to Persons subject to such Act and Articles of War who are tried by District Court-martial, but so that no Punishment shall extend to the Loss of Life or Limb; or such Deserter may, whenever he is apprehended as aforesaid or within One Month thereafter, be tried summarily by any Justice or Justices of the Peace in any Part of the United Kingdom where

Deserters may be tried by Court-martial or may be proceeded against summarily before Justices.

where such Deserter may be when summary Proceedings against him are instituted, and upon summary Conviction before any such Justice or Justices shall forfeit and pay any Sum not less than Forty Shillings and not exceeding Twenty Pounds, and in default of Payment shall be committed to the Common Gaol or House of Correction, to be imprisoned, with or without Hard Labour, for any Time not less than Two Months and not exceeding Six Months; and it shall be lawful for the Secretary-at-War to direct in which of the aforesaid Modes any such Deserter shall be tried.

Sect. 40. of 17 & 18 Vict. c. 105., Sect. 59. of 17 & 18 Vict. c. 106., and Sect. 23. of 17 & 18 Vict. c. 107. repealed.

XIII. Section Forty of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and five; Section Fifty-nine of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and six; and Section Twenty-three of the said Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and seven, shall be repealed.

Application of Penalties.

XIV. All Penalties imposed by this Act upon Militiamen (except the Stoppages from Pay herein-before provided for, and except the Deductions from Bounty which shall be brought to Public Credit,) shall be paid to the Commanding Officers of the respective Regiments, Battalions, or Corps of Militia to which the Offenders belong, and shall be made and accounted for as Part of the Public Stock of such Régiments, Battalions, or Corps respectively.

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such Sum or Sums may be raised by the Creation and Issue of Bonds or Debentures, or Capital Stock bearing Interest, or Annuities, or partly by one of such Modes and partly by another or others.

Bonds may be issued under the Hands of Two Members of the Council, countersigned by Secretary of State or One Under Secretary.

II. All Bonds issued under the Authority of this Act, or hereafter issued under the Authority of either of the recited Acts, may be issued under the Hands of Two Members of the Council of *India*, and countersigned by the Secretary of State for *India*, or One of his Under Secretaries, or his Assistant Under Secretary, and shall be for such respective Amounts, payable after such Notice, and at such Rate or Rates of Interest, as the said Secretary of State in Council may think fit.

Debentures may be issued.

III. All Debentures issued under the Authority of this Act, or hereafter issued under the Authority of either of the recited Acts, may be issued under the Hands of Two Members of the Council, and countersigned as aforesaid, for such respective Amounts and at such Rate or Rates of Interest as the Secretary of State in Council may think fit, and shall be issued at or for such Prices and on such Terms as may be determined by the Secretary of State in Council.

As to Payment of Principal and Interest on Debentures.

IV. All Debentures issued under the Authority of this Act shall be paid off at Par, at a Time or Times to be mentioned in such Debentures respectively; and the Interest on all such Debentures shall be paid half-yearly on such Days as shall be mentioned therein; and the Principal Moneys and Interest secured by such Debentures, and by all Debentures issued under the Authority of either of the said recited Acts, shall be payable either at the Treasury of the Secretary of State in Council in *London*, or at the Bank of *England*.

Debentures transferable by Delivery or Deed;

Coupons by Delivery.

V. All or any Number of the Debentures issued under the Authority of this Act, and all Right to and in respect of the Principal and Interest Moneys secured thereby, shall be transferable either by the Delivery of such Debentures respectively, or, at the Discretion of the Secretary of State in Council, by Deed; provided that the Coupons for Interest annexed to any Debenture issued under the Authority of this Act or under the Authority of either of the recited Acts shall pass by Delivery.

Capital Stock and Annuities may be created and issued.

VI. Any Capital Stock created under the Authority of this Act shall bear such a Rate of Interest, and any Annuities to be created under the Authority of this Act shall be at such Rate *per Cent. per Annum*, as the Secretary of State in Council may think fit, and such Capital Stock and such Annuities may be issued on such Terms as may be determined by the Secretary of State in Council; and any such Capital Stock may bear Interest during such Period, and be paid off at Par at such Time, as the Secretary of State in Council may

may prescribe previously to the Issue of such Capital Stock; and such Annuities may be terminable at such Period as the Secretary of State in Council may prescribe previously to the Issue of such Annuities.

Transfer Books of such Capital Stock and Annuities to be kept.

VII. In case of the Creation and Issue of any such Capital Stock or of any such Annuities, there shall be kept, either at the Office of the Secretary of State in Council in *London* or at the Bank of *England*, Books wherein Entries shall be made of the said Capital Stock and Annuities respectively, and wherein all Assignments or Transfers of the same respectively, or any Part thereof respectively, shall be entered and registered, and shall be signed by the Parties making such Assignments or Transfers, or, if such Parties be absent, by his, her, or their Attorney or Attornies, thereunto lawfully authorized by Writing under his, her, or their Hands and Seals, to be attested by Two or more credible Witnesses; and the Person or Persons to whom such Transfer or Transfers shall be made may respectively underwrite his, her, or their Acceptance thereof; and no other Mode of assigning or transferring the said Capital Stock or the said Annuities, or any Part thereof respectively, or any Interest therein respectively, shall be good and available in Law; and no Stamp Duties whatsoever shall be charged on the said Transfers or any of them.

Annuities Personal Estate.

VIII. All Annuities created and issued under the Authority of this Act shall be deemed and taken to be Personal and not Real Estate, and shall go to the Executors or Administrators of the Person or Persons dying possessed thereof, interested therein, or entitled thereto, and not to the Heir-at-Law, nor be liable to any Foreign Attachment by the Custom of *London* or otherwise.

The whole Amount charged on Revenue of India not to exceed Five Millions.

IX. The whole Amount of the Principal Moneys to be charged on the Revenues of *India* under this Act shall not exceed Five Millions; and no Money shall be raised or secured under the Authority of this Act after the said Thirtieth Day of *April* One thousand eight hundred and sixty, or if Parliament be then sitting, after the End of the then Session of Parliament, save for or upon the Repayment of Principal Moneys previously secured under this Act, as herein-after provided.

Power to raise Money for Payment of Principal Money.

X. Upon or for the Repayment of any Principal Money secured under the Authority of this Act or under the Authority of either of the recited Acts, the Secretary of State in Council may at any Time borrow or raise, by all or any of the Modes aforesaid, all or any Part of the Amount of Principal Money repaid or to be repaid, and so from Time to Time as all or any Part of any Principal Money under this Act or either of the recited Acts may require to be repaid, but the Amount to be charged upon the Revenues of *India* shall not in any Case exceed the Principal Money required to be repaid.

XI. All

Securities, &c. to be charged on Revenues of India.

XI. All Bonds and Debentures to be issued under this Act, and the Principal Moneys and Interest thereby secured, and all Capital Stock to be issued under this Act, and the Interest thereon, and all Annuities to be issued under this Act, shall be charged on and payable out of the Revenues of *India*, in like Manner as other Liabilities incurred on account of the Government of the said Territories.

Provision as to Composition for Stamp Duties on India Bonds extended to Bonds and Debentures under this Act.

XII. The Provisions contained in Section Four of the Act of the Session holden in the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-four, with respect to the Composition and Agreement for the Payment by the *East India* Company of an annual Sum in lieu of Stamp Duties on their Bonds, and the Exemption of their Bonds from Stamp Duties, shall be applicable with respect to the Bonds and Debentures to be issued under the Authority of this Act, as if such Provisions were here repeated and re-enacted with reference thereto.

Forgery of Debentures to be punishable as Forgery of East India Bonds.

XIII. All Provisions now in force in anywise relating to the Offence of forging or altering, or offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any *East India* Bond, with Intent to defraud, shall extend and be applicable to and in respect of any Debenture issued under the Authority of this Act, as well as to and in respect of any Bond issued under the same Authority.

Returns to be annually prepared of Moneys raised on Loan, &c., and presented to Parliament.

XIV. Provided always, That on or before the First Day of *February* in each Year the said Secretary of State in Council shall prepare or cause to be prepared a Return of all Moneys raised on Loan under the Provisions of this Act, also a Return of all Stocks, Loans, Debts, and Liabilities then chargeable on the Revenues of *India*, at home and abroad, up to the latest Period of Time to which such Return can be made out: That all such Returns shall be presented to both Houses of Parliament on or before the First Day of *February* in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within Ten Days of the First Meeting of Parliament after the First Day of *February* in each Year.

Saving Powers of the Secretary of State in Council.

XV. This Act shall not prejudice or affect any Power of raising or borrowing Money vested in the said Secretary of State in Council at the Time of passing thereof.

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CAP. XL.

An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same. [13th *August* 1859.]

WHEREAS it is expedient that there should be a Reserve Volunteer Force of Seamen for Service in Her Majesty's Fleet in Time of Emergency, and that the Seamen composing such Force should be duly entered and trained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 men.

I. It shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, to raise and from Time to Time to keep up a Number of Men not exceeding Thirty thousand, to be called "The Royal Naval Volunteers," such Men to be raised by voluntary Entry from among seafaring Men and others who may be deemed suitable for the Services in which such Volunteers may be employed, and to be so raised and entered at such Times and in such Places in the United Kingdom and the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, or any of them, by such

Persons and in such Manner as the said Lord High Admiral or Commissioners shall from Time to Time direct.

Term of Service.

II. Every Volunteer raised under this Act shall be entered for the Term of Five Years, and shall continue subject as a Volunteer to the Provisions of this Act during such Term, and no longer, save as herein-after otherwise provided; and at the Expiration of every Fifth Year of the Period of his Service as a Volunteer he shall be entitled to claim his Discharge, save as herein-after provided; but when any Volunteer shall be entitled to claim his Discharge as aforesaid, he shall continue liable to the Provisions of this Act until actually discharged from such Volunteers by the said Lord High Admiral or Commissioners, or by some Officer duly appointed by him or them to give such Discharges.

Volunteers may be trained and exercised for 28 Days in each Year, and on shore or on board Ship.

III. The Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, may cause all or any of the Volunteers under this Act to be instructed, trained, and exercised on shore or on board any Ships or Vessels, or partly on shore and partly on board any Ships or Vessels; and for the Purpose of such Instruction, Training, and Exercise all or any of such Volunteers may be called out, and may be required to attend at such Times and Places, and may be placed under the Command of such Officers as the said Lord High Admiral or Commissioners may think fit, and may form Part of and be under the like Command as the respective Crews of any of Her Majesty's Ships or Vessels of War which the said Lord High Admiral or Commissioners may see fit to cause them to join: Provided always, that no Volunteer shall under this Enactment be required to attend Instruction, Training, and Exercise more than Twenty-eight Days in the whole in any One Year.

Her Majesty may order the Volunteers to be called into actual Service.

IV. It shall be lawful for Her Majesty, on such Occasions as She shall deem fit (the Occasion being first communicated to Parliament if Parliament be sitting, or declared in Council and notified by Proclamation if Parliament be not sitting or in being,) to order and direct that the Volunteers under this Act, or so many or such Part of them as Her Majesty may deem necessary, shall be called into actual Service.

Volunteers to be called into actual Service accordingly.

V. Whenever Her Majesty shall as aforesaid order all or any Number or Part of the Volunteers under this Act to be called into actual Service, the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, shall cause the said Volunteers, or such Number or Part of them as Her Majesty may have ordered, to be called into actual Service accordingly; and the Volunteers so called into actual Service shall be liable to serve on shore or on board any Ships

Ships or Vessels, or partly on shore and partly on board any Ships or Vessels, as the said Lord High Admiral or Commissioners may direct; and such Volunteers shall be placed under the Command of such Officers as the said Lord High Admiral or Commissioners may direct, and where he or they may so direct, shall form Part of the Crews, and be under the like Command as the respective Crews of any of Her Majesty's Ships or Vessels of War which the said Lord High Admiral or Commissioners may see fit to cause them to join; and every such Volunteer so called into actual Service shall be liable to such Service for the Term of Three Years from the Time of his coming into actual Service, and at the Expiration of such Period he shall be entitled to be discharged from actual Service: Provided always, that it shall be lawful for Her Majesty, in case She see fit, on any Emergency by Proclamation to declare that such Volunteers as may at the Date of such Proclamation be in actual Service as aforesaid shall continue in such actual Service for the Period of Five Years from the Date of their respectively coming into actual Service, if their Services be so long required, and such Volunteers shall not be entitled to claim their Discharge during such Period, and every such Volunteer who may be in actual Service at the Date of such Proclamation shall be liable to such Service accordingly; and every Volunteer whose Period of actual Service is extended under or in consequence of such Proclamation shall, beyond Three Years from the Date of his coming into actual Service, be entitled to receive for his Services during the extra Period for which they are required beyond such Three Years Twopence *per* Day in addition to his ordinary Pay: Provided also, that in case any such Volunteer be called into actual Service, and shall be detained in such Service for a Period of less than Five Years, he shall, during the Period of Five Years from the Date of his joining the Royal Naval Volunteers, be liable from Time to Time to be again called into actual Service, and to serve therein for such Period as with his former actual Service will make up a Period of Five Years actual Service, but after Three Years actual Service, either continuously or from Time to Time during his Engagement as a Royal Naval Volunteer, he will be entitled as aforesaid to Twopence *per* Day, in addition to his ordinary Pay, for the Period of his actual Service beyond Three Years

Volunteers to serve in Navy Three Years.

The Service of Volunteers in actual Service may be extended Two Years by Proclamation.

Volunteers whose Services are extended entitled to extra Pay.

As to serving in the Navy at Intervals.

VI. The Volunteers under this Act shall, for such Time as they shall be called out for, and shall attend Instruction, Training, and Exercise, be victualled in the same Manner as Seamen of the Fleet; or if trained on shore and not victualled, they shall be entitled to a Money Allowance in lieu of Provisions, at such Rate *per Diem* each as may be established on this Behalf by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral; and

Volunteers when called out to be victualled in the same Manner as Seamen of the Fleet.

and for such Time as they shall be in actual Service under this Act they shall be entitled when on shore or afloat to the Pay and other Advantages of Petty Officers or Seamen in the Royal Navy entered for Ten Years continuous and general Service, according to the Ratings which they may be found qualified to fill; and they shall be entitled to such Conduct Money in respect of travelling to and from any Place at which they may be required to attend for Instruction, Training, and Exercise, or for the Purpose of entering into actual Service as aforesaid, as may be allowed by the Regulations made under this Act: Provided always, that any such Volunteer who may be appointed, and be or perform the Duties of a Petty Officer, shall be entitled to the Pay and Allowances of a Petty Officer in the Royal Navy of the same Rank, in lieu of the Pay and Allowances of an Able Seaman in the Navy.

Volunteer exempt from Militia and from being a Peace or Parish Officer; and, under certain Regulations, eligible for Greenwich Hospital

VII. Every Volunteer under this Act shall, while he shall be such Volunteer, be exempt from Service in the Militia, and from serving as a Peace or Parish Officer, and upon his entering the Royal Naval Volunteers he shall cease to be a Royal Naval Coast Volunteer, if then belonging to that Force; and every such Volunteer shall under such Regulations as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may from Time to Time establish, be eligible for Admission into the Royal Hospital at *Greenwich*, and be thereupon entitled to the same Privileges and Advantages as Men who are, or may be, or have been in Her Majesty's Navy.

Provisions relating to billeting Marines to extend to Volunteers.

VIII. All Provisions for the Time being in force for and in relation to the billeting of the Royal Marines shall extend and be applicable to the Volunteers under this Act during such Time as they shall attend Instruction, Training, and Exercise, or be in actual Service; and all Powers and Authorities for or in relation to the billeting of the Royal Marines, which may be exercised by any Colonel, Commandant, or Commanding Officer of any Division of Royal Marines, may, for the Purpose of billeting such Volunteers, be exercised by any Officer in the Royal Navy holding the Rank of Commander, or any higher Rank authorized in this Behalf by the Regulations made under this Act.

Admiralty to make Regulations as to Sums to be paid to Volunteers for entering or re-entering under this Act.

IX. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, from Time to Time to make Regulations as to the Sums to be paid to Volunteers under this Act, by way of periodical Payment or Allowance, in consideration of their entering under this Act, and to Volunteers or Persons who may have served as Volunteers, in consideration of their re-entering under this Act, such periodical Payment

Payment or Allowance, during the Term of Service for which the Volunteer is entered, to be paid in such Portions, at such Times, by such Persons, and under such Conditions as the said Lord High Admiral or the Commissioners may from Time to Time direct: Provided always, that such periodical Payments shall be paid in the United Kingdom, or in the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and nowhere else, and only to the Volunteer himself, and not to his Attorney, Agent, or Assign.

Admiralty to grant Pensions to Volunteers.

X. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to grant Pensions to Volunteers under this Act, with the Consent of the Commissioners of Her Majesty's Treasury; and it shall be lawful for the said Lord High Admiral or Commissioners to make Regulations as to the Amount, the Time or respective Times, and the Manner of the Payment of such Pensions, and at what Ages such Pensions shall be payable: Provided always, that any Pension conferred under this Act shall be paid to the Pensioner himself only, and not to his Agent, Attorney, or Assign.

In Cases of Emergency Pensioners to join Her Majesty's Navy

XI. Whenever any Emergency shall arise which, in the Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, renders it advisable to require the Services in Her Majesty's Navy of any of the Persons who may have been pensioned, and be in the Receipt of Pensions, under this Act, it shall be lawful for such Lord High Admiral or Commissioners to order any of such Persons to join Her Majesty's Navy; and those so ordered shall join such of Her Majesty's Ships or Vessels of War as the said Lord High Admiral or Commissioners may at any Time or Times direct, and shall form the Crews or Parts of the Crews of such Ships or Vessels, and shall continue to serve in Her Majesty's Navy during such Time as such Emergency may in the Opinion of the said Lord High Admiral or Commissioners continue; and while so serving shall be entitled to the same Pay and Allowances, according to their respective Ratings on board such Ships or Vessels, as Petty Officers in Her Majesty's Navy and Men in Her Majesty's Navy entered for Ten Years continuous and general Service, and shall also continue to receive their Pensions.

Laws and Customs in force for the Government of Her Majesty's Fleet to be applicable to Pensioners

XII. All the Laws and Customs for the Time being in force for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and applicable to any Person in or belonging to the Fleet, or to any Person being in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels, shall be applicable in like Manner to every Person pensioned under this Act during such Period

while on actual Service.

as he shall be in actual Service, either on board any Ship or Vessel or otherwise under this Act; and every such Person as aforesaid required to serve in the Navy under this Act who shall not at or within such Time as may be appointed by any Order of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, made under this Act, appear for the Purpose of entering into actual Service, or join any of Her Majesty's Ships or Vessels which he may be required to join for that Purpose, shall be liable to be apprehended and punished in the same Manner as any Person belonging to Her Majesty's Navy, and deserting or improperly absenting himself from Duty.

Admiralty to make Regulations as to the Manner or Form in which Volunteers shall be entered to serve.

XIII. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, from Time to Time to make Regulations as to the Manner or Form in which Volunteers under this Act shall be entered to serve; and generally as to the entering and re-entering of Men as such Volunteers; and as to the Arms, Clothing, and Accoutrements with which such Volunteers are to be provided; and for forming such Volunteers into Divisions or Classes, or other Bodies, and assigning Numbers to them; and as to the Manner in which Notices of the Times and Places at which such Volunteers may be required to attend Instruction, Training, and Exercise; and for the Purpose of their entering into actual Service under the Provisions of this Act; and for securing and enforcing the Attendance, good Conduct, and Discipline of and among such Volunteers; and for imposing Fines or Forfeitures of Pay, Allowances, or Pensions for Misconduct and Breach of Discipline or of any such Regulations; and as to the Pay and Allowances to Officers commanding such Volunteers; and generally as to all other Matters and Proceedings under this Act.

Admiralty may discharge Volunteers.

XIV. It shall be lawful for the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, in his or their Discretion at any Time to discharge any of the Volunteers raised under this Act.

Laws relating to the Government of the Navy extended to Volunteers during Exercise, and to such Volunteers and others when in actual Service.

XV. All the Laws and Customs for the Time being in force for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, and applicable to any Person in or belonging to the Fleet, or to any Person being in actual Service and Full Pay, and Part of the Crew of any of Her Majesty's Ships or Vessels, shall be applicable in like Manner to every Volunteer under this Act during such Period as he shall be on board any Ship or Vessel for the Purpose of Instruction, Training, and Exercise, or shall be otherwise under Instruction, Training, and Exercise; and to every such Volunteer during such Time

Time as he shall be in actual Service, either on board any Ship or Vessel or otherwise under this Act; and to all Officers having any Command over any such Volunteers during the Time of Instruction, Training, and Exercise, or while in actual Service; and the said Volunteers under this Act shall while in actual Service have the same Privileges of making Allotments of Wages and of making Remittances, and otherwise have the Benefit of and be subject to the Provisions of the Laws relating to the Pay of the Royal Navy in like Manner as Officers and Men of their respective Ratings in Her Majesty's Navy; and the Laws concerning the Discharge of Seamen serving on board Her Majesty's Ships, and becoming entitled to be discharged, shall be applicable to and for the Discharge of any of the said Volunteers.

Penalty on joining the Forces as a new Volunteer more than once during the same Period.

XVI. If any Person shall enter or attempt to enter the Royal Naval Volunteers as a new Volunteer more than once during the whole or any Part of the same Period of Service, he shall for every such Act forfeit and pay any Sum not exceeding Twenty Pounds.

Information to be transmitted by Shipping-master.

XVII. Every Shipping-master acting under "The Merchant Shipping Act, 1854," shall give all the Assistance in his Power towards carrying into effect the Objects of this Act in such Manner as the Board of Trade, at the Instance of the Lords Commissioners of the Admiralty, may direct; and every such Shipping Master shall for this Purpose have the Power to call for such Answers or Information concerning Reserve Men from the Masters of and other Persons belonging to *British* Merchant Ships as may be necessary or desirable in order to enable him to render such Assistance as aforesaid, or to make any Returns which the Board of Trade or the Lords Commissioners of the Admiralty may require; and every Master of or other Person belonging to a *British* Merchant Ship who, when duly called on by the Shipping-master, omits or refuses to give any such Answer or Information as aforesaid which it is in his Power to give, shall be liable to a Penalty not exceeding Five Pounds.

Enlistment of Volunteers under this Act in Her Majesty's Regular or Indian Forces, or in the Militia, or Naval Coast Volunteers, and entering of Militia as Naval Coast Volunteers

XVIII. In case any Officer, Serjeant, or other Person enlist any Man to serve in Her Majesty's Regular Forces, or in Her Majesty's *Indian* Forces, or in the Militia, or in the Royal Naval Coast Volunteers, who at the Time of such enlisting is entered to serve as a Volunteer under this Act, such enlisting shall be null and void; and in case any Person enter any Man to serve as a Volunteer under this Act who at the Time of such entering is enrolled to serve in the Militia, or belongs to the Royal Naval Coast Volunteers, such entering shall be null and void; and any such Volunteer under this Act offering himself to be enlisted in Her Majesty's Regular Forces, or in Her Majesty's

under this Act to be void.

Punishment of Persons offending.

Majesty's *Indian* Forces, or who shall be enlisted or enrolled or offer himself to be enlisted or enrolled as a Militiaman, or to serve in the Royal Naval Coast Volunteers, and every Militiaman or any Royal Naval Coast Volunteer offering himself to be entered as a Volunteer under this Act, shall, on Conviction thereof, upon the Oath of One Witness before any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be, be committed to the Common Gaol or House of Correction for any Term not exceeding Six Months; and any Officer or other Person knowingly enlisting or enrolling any Volunteer under this Act to serve in Her Majesty's Regular Forces, or in Her Majesty's *Indian* Forces, or in the Militia, or in the Royal Naval Coast Volunteers, or knowingly entering any Militiaman or Royal Naval Coast Volunteer to serve as a Volunteer under this Act, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds: Provided always, that Men may, on their Application to that Effect, be discharged by proper Authority from the Royal Naval Coast Volunteers to be enrolled as Volunteers under this Act.

Penalty on selling or buying Arms, &c. of Volunteers.

XIX. Any Volunteer under this Act who shall sell, pawn, or lose any of his Arms, Clothes, Accoutrements, or Ammunition, Slops or Necessaries, or any of such Articles provided for him under this Act, or refuse or neglect to return the same in good Order to any Person appointed by or under the Authority of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral, to receive the same, shall for every such Offence forfeit any Sum not exceeding Three Pounds; and every Person who shall knowingly and wilfully buy, take in exchange, receive in pledge, or otherwise receive or conceal any Arms, Clothes, Accoutrements, or Ammunition, or Slops or Necessaries belonging to any such Volunteer or provided for him under this Act, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and the treble Value of all or any of the Articles so bought, taken in exchange, received, or concealed; and if any Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority, that there is reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any such Arms, Clothes, Accoutrements, or Ammunition, or Slops or Necessaries, such Justice or Person may and he is hereby required to grant a Warrant to search for such Arms, Clothes, Accoutrements, and Ammunition, and Slops and Necessaries, as in the Case of stolen Goods; and if upon Search any such Articles shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, or any Person aiding him therein, who shall bring the Offender in whose Possession

Possession or upon whose Premises the same shall be found before such Justice or Person, to be dealt with according to Law.

Penalty on Volunteer for not attending Training and Exercise.

XX. Every Volunteer under this Act, unless absent from the United Kingdom, in conformity with the Regulations that may be made at any Time or Times by the aforesaid Lord High Admiral or Commissioners, or labouring under any Infirmity incapacitating him, who shall not attend at any Time and Place, or on board the Ship at or on board of which he shall be appointed to attend or join for the Purpose of Instruction, Training, and Exercise, according to the Provisions of this Act, Notice of his being required so to attend or join having been given in such Manner as may be provided by any Regulations made under this Act, and any Volunteer who having so attended or joined afterwards deserts or absents himself during the Time of such Instruction, Training, and Exercise, shall be subject to a Penalty not exceeding Twenty Pounds.

Persons not attending when called into actual Service may be apprehended and punished as Deserters from the Navy.

XXI. If any such Volunteer (being in the United Kingdom, and not labouring under any Infirmity incapacitating him) required to serve in the Navy under this Act shall not at or within such Time as may be appointed by any Order of the Lord High Admiral, or Commissioners for executing the Office of Lord High Admiral made under this Act, appear for the Purpose of entering into actual Service, or join any of Her Majesty's Ships or Vessels which he may be required to join for that Purpose, every such Person so offending shall be liable to be apprehended and punished in the same Manner as any Person belonging to Her Majesty's Navy deserting or improperly absenting himself from Duty.

Penalty for inducing Volunteers to absent themselves, or harbouring or employing Volunteers absenting themselves.

XXII. Every Person who by Words or other Means shall persuade any Volunteer under this Act to desert from the Royal Naval Volunteers, or to be improperly absent from his Duty, shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Act, and every Person who shall assist or procure any such Volunteer to desert, or to be improperly absent as aforesaid, or shall conceal or employ or continue to conceal or employ any such Volunteer, knowing him to be such a Deserter or so improperly absent, shall for every such Offence forfeit and pay any Sum not exceeding Thirty Pounds.

Recovery of Penalties.

XXIII. No Man by reason of his entering or serving as a Volunteer under this Act shall lose or forfeit, or be deemed to have lost or forfeited, any Interest he may possess, or may have possessed at the Time of his being so entered or serving, in any Friendly or Benefit Society, any Laws, Rules, or Regulations of such Society to the con-

trary notwithstanding; and in case any Dispute shall arise between any such Society and any such Man by reason of such Entry or Service, it shall be considered as being a Dispute directed by the Rules of such Society to be decided by Justices of the Peace, pursuant to the Provisions of the Acts in force relating to Friendly Societies.

Summary Jurisdiction.

XXIV. All Offences for which any pecuniary Penalty or Forfeiture is by this Act imposed shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be, and all such Penalties and Forfeitures, and any Forfeiture of treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered in *England* or *Wales*, under the Provisions of an Act passed in the Twelfth Year of Her Majesty's Reign, intituled *An Act to facilitate the Performance of Duties of Justices of the Peace out of Sessions within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without Hard Labour, for any Time not exceeding Six Months, which said Act shall be used and applied in *Scotland* and in *Ireland* for the Recovery of all such pecuniary Penalties and Forfeitures, and Forfeitures of treble Value, as fully to all Intents as if such Act had extended to *Scotland* and *Ireland*, anything in the said Act, or in an Act passed in a Session holden in the Fourteenth and Fifteenth Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in* Ireland, or in any other Act to the contrary notwithstanding.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of Penalties.

XXV. One Moiety of every such Penalty or Forfeiture not including the treble Value of any Articles shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the treble Value of any Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such treble Value shall be paid over and applied in such Manner as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall direct, anything in an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act of Parliament, to the contrary

5 & 6 W. 4. c. 76.

contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall within Four Days thereafter at the farthest report the same and his Adjudication thereof to the Secretary of the Admiralty.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; that is to say,

Powers to execute Contracts vested in Government of India.

I. The Governor General of *India* in Council, the Governor in Council of *Fort St. George*, the Governor in Council of *Bombay*, the Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, respectively, or any Officer for the Time being intrusted with the Government, Charge, or Care of any Presidency, Province, or District in *India*, subject to such Provisions or Restrictions as the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, shall from Time to Time prescribe, are hereby respectively empowered to sell and dispose of all Real and Personal Estate whatsoever in *India* for the Time being vested in Her Majesty under the said Act, within the Limits of their respective Governments, Provinces, or Districts, or to raise Money on any such Real Estate by way of Mortgage, and to make proper Assurances for that Purpose, and to purchase and acquire any Land or Hereditaments, or any Interest therein, Stores, Goods, Chattels, and other Property in *India*, within the said respective Limits, and to enter into any Contracts whatsoever, within the said respective Limits, for the Purposes of the said Act, and all Property so acquired shall vest in Her Majesty for the Service of the Government of *India*.

Mode of executing Contracts in India.

II. The Secretary of State in Council may be named as a Party to any such Deed, Contract, or other Instrument, and it shall be sufficient to use the Designation of Secretary of State in Council in such Deed, Contract, or other Instrument, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by Order of the Governor General in Council, Governor in Council, Lieutenant Governor of the North-western Provinces, or other Officer intrusted as aforesaid, but may be executed in other respects in like Manner as other Instruments executed by or on behalf of him or them respectively in his or their official Capacity, and may be enforced by or against the Secretary of State in Council for the Time being; and neither the Secretary of State, nor any Member of the Council, nor any Person executing such Deed, Contract, or other Instrument, shall be personally liable in respect thereof; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

Secretary of State and Council not to be personally liable.

Mode of signing Drafts or Orders on

III. Notwithstanding anything contained in the said Act, it shall be lawful for the Governor and Company of the Bank of *England* to pay out all or any of the Moneys paid to the Credit of the Account opened

opened under the said Act by the Governor and Company of the Bank of *England*, intituled "The Account of the Secretary of State in Council of *India*," upon any Drafts or Orders signed by the Accountant General on the Establishment of the Secretary of State in Council, or by either of the Two Senior Clerks in the Department of the said Accountant General, and countersigned in such Manner as the Secretary of State for *India* in Council shall from Time to Time order or establish; and any Draft or Order signed and countersigned as aforesaid, or in manner directed by the said Act, shall effectually discharge the Bank of *England* for all Moneys paid upon the same.

Bank of England.

IV. If before the passing of this Act any Contracts or Assurances shall have been entered into or made on behalf of the Secretary of State in Council, or the Government of *India*, by any Person in *India* who, previously to the Commencement of the said Act, would have been authorized to enter into and make the same on behalf of the *East India* Company, such Contracts or Assurances shall have the same Validity in favour of and against the Secretary of State in Council as they would have had in favour of and against the said Company if made on behalf of the said Company, and if the said Act had not been passed; but neither the Secretary of State nor any Member of the Council shall be personally liable in respect of any such Contracts or Assurances; and all Liabilities, Costs, and Damages in respect thereof shall be satisfied and paid out of the Revenues of *India*.

As to Validity of Contracts, &c. entered into before the passing of this Act.

V. All Contracts purporting to be entered into by the Secretary of State in Council which shall have been previous to the passing of this Act made under the Hands and Seals or Hands of Three or more Members of Council shall be as valid and effectual, to all Intents and Purposes whatsoever, as the same would have been if Section Forty of the said Act had contained an express Provision that the Contracts to be entered into by the Secretary of State in Council pursuant to that Act might be so made; and from and after the passing of this Act all Contracts in Writing entered into by the Secretary of State in Council, with the Concurrence of a Majority of Votes at a Meeting, may be expressed to be made by the Secretary of State in Council under that Designation, and if such as if made between private Persons would be by Law required to be under Seal may be made, varied, or discharged under the Hands and Seals of Two Members of the Council, or if such as if made between private Persons would be by Law required to be signed by the Parties to be charged therewith, may be made, varied, or discharged under the Hands of Two Members of the Council; and the Benefit

Mode of executing Contracts.

Benefit and Liability of such Contracts shall pass to the Secretary of State in Council for the Time being.

Actions to be carried on in Name of Secretary of State for India.

VI. All Actions, Suits, and Proceedings in any Court of Justice in respect of any of the Matters aforesaid shall and may be carried on, prosecuted, or defended in the Name of the Secretary of State for *India* in Council.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. XLII.

An Act to provide for the Establishment of a Reserve Force of Men who have been in Her Majesty's Service. [13th *August* 1859.]

WHEREAS it is expedient that Her Majesty should be enabled to enrol as a Reserve Force for Service within the United Kingdom in Cases of Emergency such of the Men who have served in Her other Forces as may be willing to engage for such Service: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. It shall be lawful for Her Majesty, from Time to Time, to cause to be enrolled and kept up as a Reserve Force in the United Kingdom any Number of Men not exceeding in the whole Twenty thousand, the Men so enrolled to be Persons who shall have previously served in Her Majesty's other Forces or in the Forces of the *East India* Company, and who may voluntarily engage to serve under this Act; and such Reserve Force shall be formed into or attached to such Battalions, Corps, or Companies as Her Majesty may think fit.

Reserve Force not exceeding 20,000 Men for Service in Great Britain.

Reserve Force.

Term of Service to be prescribed by Regulations, regard being had to previous Service.

II. The Men to be enrolled as aforesaid shall be engaged to serve for such Term of Years or for such respective Terms, having regard to their previous Periods of Service, as shall be directed by the Regulations under this Act, and every Person so engaging to serve shall make and sign a Declaration in such Form as with reference to the Terms of his Engagement may be prescribed by such Regulations.

Appointment of Officers.

III. It shall be lawful for Her Majesty to appoint to the Force under this Act such Officers and Non-commissioned Officers of Her Majesty's other Forces, or of the Forces of the *East India* Company, whether from Full or Half Pay or from the Pension List, as may be deemed expedient, and to put the whole or any Part of the Force under the Command of such General or other Superior Officers of the same Forces as Her Majesty shall please to appoint.

Force to be called out for Training and Exercise for 12 Days in each Year.

IV. The Men enrolled under this Act shall be called out for Training and Exercise at such Place or Places within the United Kingdom, and for such Time or Times not exceeding Twelve Days in any Year, as Her Majesty through One of Her Principal Secretaries of State shall direct.

Reserve Force may be called out in aid of the Civil Power.

V. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or in *Ireland* for the Lord Lieutenant or other Chief Governor of *Ireland*, at any Time when the Occasion may appear to them respectively to require, to call out the whole or so many of the Force enrolled under this Act as such Secretary of State or Lord Lieutenant or Chief Governor may think necessary, to aid the Civil Power in the Preservation of the Public Peace in *Great Britain* and *Ireland* respectively.

In case of Invasion or War, Reserve Force may be called out for permanent Service.

VI. In case of actual Invasion or imminent Danger thereof, or in case a State of War exists between Her Majesty and any Foreign Power, it shall be lawful for Her Majesty, by Proclamation, to direct that the said Reserve Force, or such Part thereof as Her Majesty shall think fit, shall be called out on permanent Service in aid of the Defence of the Realm, in any Part of the United Kingdom where their Services may be required, and the said Forces, or such of them as shall be so called out, shall serve in pursuance of such Proclamation until it shall be signified to them by Her Majesty's Command that their Services are no longer required.

Reserve Force may volunteer for Duty.

VII. It shall also be lawful for Her Majesty to direct that such and so many of the Force enrolled under this Act as volunteer their Services may be kept on Duty and Pay for any Period not exceeding

exceeding Six Calendar Months, in the same Way as the Regular Forces of Her Majesty's Army, and any Person who shall volunteer for such Service shall be liable to serve accordingly.

Reserve Force, when on Service, to be subject to the Mutiny Act.

VIII. Whenever the Reserve Force under this Act shall be called out for Training and Exercise, or when any of them who may have volunteered their Services for that Purpose shall be kept on Duty as aforesaid, or when the said Force, or any of them, shall be called out on Service in aid of the Civil Power as aforesaid, or shall be called out on permanent Service under Her Majesty's Proclamation, all the Provisions of any Act then in force for the punishing of Mutiny and Desertion and for the better Payment of the Army and their Quarters, as well with regard to billeting as in all other respects whatsoever, and also the Articles of War established or to be established by Her Majesty pursuant to the Provisions of such Act, shall extend and apply to the Men of the said Force and to the Officers and Non-commissioned Officers appointed to command them, and Offences committed by such Officers, Non-commissioned Officers, and Men, or any of them, on the Occasions aforesaid, may be inquired of and tried by Court-martial assembled under the Provisions of any such Act according to the usual Discipline of Her Majesty's Army, and Courts-martial for the Trial of any such Offences may be holden, and the Punishment awarded by any such Court-martial may be inflicted, either during the Time for which the said Force shall be so on Duty or at any Time within Twelve Calendar Months after the Offence shall have been committed or the Offender shall have been apprehended.

Punishment for Absence from Training and Exercise.

IX. Every Man enrolled under this Act, and not labouring under certified Infirmity or Incapacity, who shall not appear at the Time and Place appointed for his Training and Exercise, or for permanent or voluntary Service, or for his Service in aid of the Civil Power, or who having appeared or joined the Force at the Place appointed shall desert or absent himself before the Expiration of the Time of Training and Exercise, or before being duly discharged from such permanent or voluntary Service, shall be deemed a Deserter, and shall be liable to be tried and punished by Court-martial under the foregoing Provisions, and shall also be liable to such Forfeiture of Pay, Pension, or Allowance as may be directed by the Regulations under this Act.

Regulations to be made by Secretary-at-War.

X. It shall be lawful for Her Majesty to authorize Her Secretary-at-War to make Regulations concerning the Term or Terms of Service of the Men to be enrolled under this Act, and the Declarations to be made in relation thereto, and for the Pay of the Officers, Non-commissioned

commissioned Officers, and Men enrolled under this Act, and, if Her Majesty so think fit, for Pensions of Men in respect as well of their Services under this Act as of their previous Services, and also in regard to the Arms, Clothing, Equipment, and Allowances of Men and Officers, and also for the Government of the said Force, and for the Fines and Penalties or Forfeitures for Absence from or Misconduct during Training and Exercise, or during permanent, voluntary, or other Service, or for the Breach of any of the said Regulations, and for the Deduction of such Fines and Penalties from any Pay, Allowance, or Pension which may become due to the Offender; and all Warrants and Regulations to be issued under this Act in every Year shall be laid before both Houses of Parliament in the Month of *February* in every Year, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting of Parliament.

Provisions of Turnpike and Railway Acts as to Soldiers to apply to the Force under this Act.

XI. For the Purposes of all Enactments relating to Turnpike Roads and to Tolls, the Men enrolled and Officers and Non-commissioned Officers appointed under this Act while on Duty, or going to or returning from any Place of Training and Exercise, or of permanent, voluntary, or other Service, shall be deemed Soldiers and Officers of Her Majesty on Duty, and all such Enactments having reference to Officers and Soldiers on Duty shall be construed accordingly; and the Enactments in force concerning the Conveyance by Railway of Her Majesty's Forces of the Line, and their Baggage, Stores, Arms, and Ammunition, shall apply to the Conveyance of the Force under this Act, their Baggage, Stores, Arms, and Ammunition, and to the Officers and Men of such Force.

Men to be exempted from serving Parish Offices, &c.

XII. Men enrolled and Officers appointed under this Act shall not be liable to serve on any Jury, nor to serve the Office of Constable, or any other Parochial, Township, or Borough Office.

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thereby be done, and if not, then whether or not any such other Provision for Compensation of such Damage as herein-after mentioned is to be made.

Provision as to Surface Damage.

II. For the Purpose of providing for Compensation for any such Damage as aforesaid, it shall be lawful for the Lord of the Manor or other the Person entitled to such Mines, Minerals, Stone, or other Substrata as aforesaid, and for the other Persons interested in the Land proposed to be inclosed, or such Proportion of the Persons so interested as by the Twenty-seventh Section of the Act of the Eighth and Ninth Years of Her Majesty, Chapter One hundred and eighteen, are required to consent to an Inclosure before the Inclosure Commissioners can in any annual General Report certify their Opinion that the proposed Inclosure would be expedient, to agree as to the Mode in which Compensation for surface Damage from such Entry, and opening, working or winning, shall be made to the individual Owners whose Allotments may be so damaged, whether wholly by the Lord or such other Person entitled to the Mines, Minerals, Stone, or other Substrata as aforesaid, or wholly by the Owners of Allotments (including the Lord or such other Person) collectively, or partly by the Lord or such other Person and partly by the other Owners of Allotments collectively; and such Agreement, when made, shall, if allowed by the Inclosure Commissioners, be stated to the Valuer as Part of his Instructions, and its Terms shall be embodied by him in his Report and in his Award of which it shall form Part.

Powers to work Mines, &c.

III. In every Case in which the Right and Interest in all or any Mines, Minerals, Stone, and other Substrata are reserved by any Provisional Order to be issued after the passing of this Act to the Lord of the Manor or such other Person entitled to the Soil of the Land enclosed as aforesaid, and with a further Reservation to the Lord or to such other Person of a Right to enter the Lands when inclosed, and work such Mines, Minerals, Stone, and other Substrata, it shall be lawful for the Lord, his Heirs and Assigns, or for such other Person entitled to the Soil as aforesaid, his Heirs and Assigns, at any and at all Time and Times thereafter, by himself or themselves, or his or their Tenants, Agents, or Servants, and with or without Horses or other Animals, or Carriages, and Materials of all Kinds, to enter upon the said Lands or any Part thereof, and to break the Surface thereof, and search for, win, work, take, and carry away the said Mines, Minerals, Stone, and other Substrata, or any of them, and for that Purpose to dig, sink, drive, and make Pits, Shafts, Drifts, Headways, Levels, Adits, Airgates, Watercourses, Soughs, Trenches, Buddles, Fences, and Sluices, and to erect, build, and make Pumps, Engines, Furnaces, Smelting Houses, Stamping Mills, Ore and Store

Store Houses, Sheds, Hovels, and Stables, and other Erections, and to do all other Things necessary or convenient, as well for working the said Mines, as for refining the Metals and Minerals, hewing and working the Stone and other Substrata, and removing all the Water, Slag, and Rubbish from the Works, and for the Accommodation of the Persons employed therein, and to occupy such Part of the said Land as shall be convenient and sufficient for laying, ordering, and dressing the Ores, Minerals, Metals, Stone, and other Substrata, and, if judged necessary, to alter the Course of Streams, and to maintain, repair, and use any Railroads or other Roads for any of the Purposes aforesaid, and generally to do all other Things necessary or convenient for the sinking, winning, working, and carrying away the said Mines, Minerals, Stone, and other Substrata, and for refining the Metals and Minerals, and hewing and working the Stone and other Substrata thereby produced.

How Damages to be assessed.

IV. In case it shall be provided that the whole or any Part of such Compensation as aforesaid shall be made by the Owners of Allotments collectively, either including or not including the Lord or such other Person as aforesaid, then all such Damage as may at any Time and from Time to Time be done to any Allotment by any of the Means aforesaid shall be assessed and raised as follows; (that is to say,) it shall be lawful for any Person who may sustain any such Damage as aforesaid to give Information thereof to any Two or more Justices of the Peace for the County or Riding or other Division or Place within which the Lands which shall have been inclosed, or the greater Part thereof, shall be situate (Ten Days previous Notice of such intended Information having been fixed on the Church Door of the Parish or other Ecclesiastical District); and such Justices shall and are hereby empowered to examine and inquire into such Complaint in a summary Way, and by Examination of Witnesses upon Oath, or by such other Evidence as they shall think proper; and such Justices shall determine the Amount of such Damage, and order the Payment thereof to the Party damaged by the Persons and in the Manner herein-after expressed.

Payment of Damages.

V. Every Sum of Money to be paid in satisfaction of such Damages, and the reasonable Charges of giving and prosecuting such Information, (to be settled by the said Justices,) shall be borne and paid by the Owners for the Time being of all the Allotments on whom it shall by the Award have been imposed, or their Tenants, including the Owner of the Allotment damaged, or his Tenant, by a Rate to be assessed upon them in respect of their Allotments or their Shares therein by such Justices according to the respective yearly

yearly Values thereof, which shall be ascertained in manner hereinafter in that Behalf directed or referred to.

To be levied by Distress.

VI. In case any Person who shall be charged to such Rate as aforesaid shall refuse or neglect to pay the same within a Time to be limited by the said Justices, to the Person for the Time being entitled to such Payment, then any Two or more Justices of such County or Riding, or other District or Place as aforesaid, shall, by Warrant under their Hands and Seals, cause the same to be levied by Distress; and in case any occupying Tenant of any Hereditaments constituting or being Part of any of the said Allotments shall pay any Part of such Rate as aforesaid, every such Occupier shall be at liberty to deduct the same out of his next Rent, and his Landlord shall allow such Deduction, unless there shall be some Provision to the contrary in the Lease or Agreement under which such Hereditaments are held by such Occupier.

Annual Value of Allotments to be stated in Award.

VII. In every Case to which the Provisions of this Act shall be applicable, the Valuer acting in the Matter of the Inclosure shall by his Award ascertain and determine the proportionate Shares of any such Rate as aforesaid to be paid in respect of each of the Allotments to be set out under the Inclosure, and the average annual Value *per* Acre of each Allotment at the Time of making his Award, and such average annual Value shall thereafter be taken to be the yearly Value *per* Acre of such Allotment for the Purpose of the Assessment of the same to the Rate by this Act imposed thereon in the Cases herein-before provided for.

Herbage may be let.

VIII. Where Instructions shall be given to the Valuer to let the Herbage of any Land to be inclosed, the same shall, at any Time after the Rights of Sheepwalk, Common, or other Rights have been extinguished or the Exercise thereof suspended, be let by the Valuer for such Time and in such Manner and subject to such Conditions as he, with the Approbation of the Inclosure Commissioners, shall think right; and any Person taking such Herbage shall hold the same as Tenant to the Valuer, and all Monies received by way of Rent shall be applied in and towards Payment of the Expenses of the Inclosure.

Purchase Money of Land sold may be apportioned.

IX. Where the Sale of any Land proposed to be inclosed, not exceeding Fifty Acres, shall have been authorized by the Commissioners, under the Provisions of the said Acts, the Surplus of the Purchase Money may be either appropriated as provided by the said Acts, or a Majority in Number and Interest of the Persons interested therein

therein may, at a Meeting to be convened by the Commissioners for the Purpose, resolve that such Surplus shall be apportioned, and thereupon the same shall be dealt with in such and the same Manner as if the same were Money received under "The Lands Clauses Consolidation Act, 1845," and paid into the Bank of *England* to the Credit of an Account to be named by the Commissioners, under the Act passed in the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-seven.

Lessees need not join in Application for Partition.

X. In Partitions it shall not be necessary that any Lessee, being a Person jointly interested within the Provisions of the said Acts in any Land or other Subject Matter of Partition, should join in the Application to the Commissioners; and whenever any Land or other Subject Matter of such Partition shall be held by One entire Rent, the Order of Partition shall apportion the Rent to be paid to each of the Persons to whom any Part of the same may be allotted in Severalty; and after the Confirmation of such Order all Rents and Services due and owing or thereafter to become due and owing in respect of the Land or other Subject Matter of Partition shall be paid and payable to the Person to whom the same shall be allotted in Severalty: Provided always, that such Lessee shall not have the Power of giving Notice of Dissent, under the Provisions of the said Acts.

In Partitions Dissents not to apply in certain Cases.

XI. Notwithstanding anything therein contained, the Provisions of the said Acts as to Notice of Dissent shall not apply to Partitions in which the Application is made by Two Thirds in Value of the Persons interested in the Land or other Subject Matter of Partition.

Where Patronage vested in the Crown, who to be deemed Patron.

XII. Whenever the Patronage of any Benefice to which the Provisions of the said Acts are applicable shall be vested in Her Majesty, the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being where the Value of such Benefice is above the yearly Value of Twenty Pounds in the King's Books, and where such Value is of or below the yearly Value of Twenty Pounds in the King's Books the Lord Chancellor or Lord Keeper or First Lord Commissioner of the Great Seal for the Time being, shall for the Purposes of the said Acts be substituted instead of the Patron: Provided nevertheless, that if such Patronage is vested in Her Majesty in right of the Duchy of *Lancaster* the Chancellor for the Time being of such Duchy shall for the Purposes of the said Acts be substituted instead of the Patron.

Tenancies at Rackrent.

XIII. Whenever a Valuer acting in the Matter of any Inclosure shall have directed the Allotments to be entered upon by the Persons

 respectively

respectively for whom the same shall be intended, all Leases, Agreements, and Tenancies at Rackrent subsisting of any Part of the Land to be inclosed or exchanged under the Award of the Valuer, or any Common Right thereon, shall, so far only as respects the Land to be divided, allotted, or exchanged, or Common Right, cease and be void, at such Time or Times as the Valuer shall by Writing under his Hand direct or appoint, although the Lessees or Landlords may not have made and paid such Satisfaction to the respective Lessees or Tenants as is by the said Acts provided: Provided always, that Interest at the Rate of Five Pounds *per Centum per Annum* shall be payable from the Day on which such Tenancies shall cease to the Day of Payment, on the Sum which has been or shall thereafter be ascertained to be due to such Lessees or Tenants, and shall, with the Amount ascertained to be due as aforesaid, be recoverable from the Person liable to pay the same in the same Manner as Penalties and Forfeitures are recoverable under the said Acts.

Annexation of Map to an Inclosure Award may be dispensed with.

XIV. Where by reason of the Size of the Map or other Circumstances the Commissioners shall be of opinion that it is not expedient that the Valuer should annex to the Engrossment of any Inclosure Award the Map required by the said Acts to be annexed thereto, they may, if they shall see fit, in lieu of such Annexation, certify under their Hands and Seal that the Map not so annexed is the Map referred to in the Award to which the same applies, and thereupon every Map having such Certificate shall have the same Force and Effect and be referred to as if the same were annexed to the said Award.

Act deemed Part of "The Acts for the Inclosure, &c. of Land."

XV. This Act shall be taken to be Part of the said Acts, and shall be construed therewith, and be deemed to be included under any Reference to "The Acts for the Inclosure, Exchange, and Improvement of Land."

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Certain temporary Provisions of recited Act continued.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That such of the said Provisions of the said Act of the Tenth and Eleventh Years of Her Majesty as were continued by the said Act of the Twenty-first and Twenty-second Years of Her Majesty shall continue in force until the First Day of *August* One thousand eight hundred and sixty-two, and to the End of the then next Session of Parliament.

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CAP. XLVI.

An Act to continue and amend the Act concerning the Management of Episcopal and Capitular Estates in *England*. [13th *August* 1859.]

WHEREAS an Act was passed in the Session holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter One hundred and four, "to facilitate the Management and "Improvement of Episcopal and Capitular Estates in *England*," which Act was limited in Duration to Three Years from the End of the then Session of Parliament; and by the Act of the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and sixteen, the said Act of the Fourteenth and Fifteenth Years of Her Majesty was amended, and, as so amended, has, by the last-mentioned and other Acts, and ultimately by an Act of the Session holden in the Twentieth and Twenty-first Years of Her Majesty, Chapter Seventy-four, been further continued until the First Day of *January* One thousand eight hundred and sixty, and until the End of the then next Session of Parliament: And whereas it is expedient that said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended as aforesaid, should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

14 & 15 Vict. c. 104.

17 & 18 Vict. c. 116.

20 & 21 Vict. c. 74.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Two Commissioners may execute Deeds.

I. All such Acts and Deeds as are now by Law required to be done or executed by the Church Estates Commissioners, under the Authority of this Act or the Acts hereby affected, may be done or executed by any Two of such Church Estates Commissioners.

Evidence of Appointment of Church Estates Commissioners.

II. The Publication in the *London Gazette* of the Notice of the Appointment of any Church Estates Commissioners shall at all Times and for all Purposes be full and sufficient Evidence of the Fact of such Appointment.

14 & 15 Vict. c. 104., as amended by 17 & 18 Vict. c. 116., continued until Jan. 1, 1861.

III. The said Act of the Fourteenth and Fifteenth Years of Her Majesty, as amended by the said Act of the Seventeenth and Eighteenth Years of Her Majesty, shall continue in force until the First Day of *January* One thousand eight hundred and sixty-one, and until the End of the then next Session of Parliament.

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CAP. XLVII.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners of *England* and *Wales*.

[13th *August* 1859.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of "The Acts for the Inclosure, "Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Fourteenth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with. **Inclosures in Schedule may be proceeded with.**

Inclosure.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The Second Annual Inclosure Act, 1859," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Titchfield	Southampton	6th January 1859.
Leatherhead Common	Surrey	11th October 1850.
Dorchester	Oxford	24th March 1859.
Holyhead	Anglesey	21st April 1859.
Margaret Marsh	Dorset	26th January 1859.
Hawkshead	Lancaster	3d March 1859.
Marnhull	Dorset	26th January 1859.
Carnforth	Lancaster	24th February 1859.
Portslade	Sussex	5th May 1859.
Chich, St. Osyth	Essex	3d March 1859.
Crofton Manor	Southampton	14th April 1859.
Newland Manor	"	14th April 1859.
Wadley	Berks	29th April 1859.
Swanwick Common	Southampton	9th June 1859.
Leatherhead Common Fields and Down	Surrey	18th May 1859.
Whitlaw	Northumberland	9th June 1859.

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CAP. XLVIII.

An Act to continue the Corrupt Practices Prevention Act, 1854. [13th *August* 1859.]

WHEREAS an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty, Chapter One hundred and two, "to consolidate and "amend the Laws relating to Bribery, Treating, and undue Influence "at Elections of Members of Parliament;" and by an Act of the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Eighty-seven, the said first-mentioned Act was amended and was continued until the Tenth Day of *August* One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament: And whereas it is expedient that the said first-mentioned Act as so amended should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

17 & 18 Vict. c. 102.
21 & 22 Vict. c. 87.

 The

Duration of Act.

The said first-mentioned Act, as amended by the said Act of the Twenty-first and Twenty-second Years of Her Majesty, shall continue in force until the Tenth Day of *August* One thousand eight hundred and sixty.

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CAP. XLIX.

An Act to provide for the Payment of Debts incurred by Boards of Guardians in Unions and Parishes and Boards of Management in School Districts. [13th *August* 1859.]

WHEREAS it is expedient to define and limit the Period during which any Debt hereafter incurred by Guardians of Unions or Parishes or by District Boards of Management in the Administration of the Laws for the Relief of the Poor may be paid, and to make Provision, in respect of Debts heretofore lawfully incurred by them, for Payment of the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. With respect to any Debt, Claim, or Demand which may, after the passing of this Act, be lawfully incurred by or become due from the Guardians of any Union or Parish, or the Board of Management of any School or Asylum District, such Debt, Claim, or Demand shall be paid within the Half Year in which the same shall have been incurred or become due, or within Three Months after the Expiration of such Half Year, but not afterwards, the Commencement of such Half

When Debts in future are to be paid.

Half Year to be reckoned from the Time when the last Half Year's Account shall or ought to have been closed according to the Order of the Poor Law Commissioners or Poor Law Board: Provided that the Poor Law Board, by their Order, may, if they see fit, extend the Time within which such Payment shall be made for a Period not exceeding Twelve Months after the Date of such Debt, Claim, or Demand.

Power to the Poor Law Board to extend the Time.

As to Payment of Debts incurred before the passing of this Act.

II. With respect to any Debt, Claim, or Demand which may have been lawfully incurred by any such Guardians or Board of Management or on their Account before the passing of this Act, they may, if they think proper, pay within Twelve Months after the passing of this Act, out of the Funds in their Possession, any such Debt, Claim, or Demand which may have been so incurred or have become due within Two Years before the Date of this Act, and may, within the said Period of Twelve Months, make Provision for the Payment of any Debt, Claim, or Demand lawfully incurred as aforesaid which shall have become due from them at some Time beyond Two Years but not beyond Six Years from such Date in full at once, or by equal annual Instalments, not exceeding Five, if the Poor Law Board, after open and public Investigation, during which Counsel or Solicitors may appear and Witnesses may be examined on both Sides, when the same shall be required by any Ratepayer of the Union, Parish, or District, shall be satisfied that no Fraud, Collusion, or Neglect of the General Rules of the Poor Law Board respecting the Contraction or Discharge of such Debt, Claim, or Demand have been committed by the Party to whom such Claim or Demand is alleged to be due, and that such Party has not been accessory to any Fraud on such Guardians or Board of Management, and shall give their Consent in manner aforesaid to such Payment; and such Guardians or Board respectively shall charge every such Payment to the Account to which the same should have been charged if the Payment had been made in due Time; and the President or Secretary of the Poor Law Board shall, within One Calendar Month after the Expiration of such Period of Twelve Months as aforesaid, if Parliament be then sitting, or if not, then within One Calendar Month after the next Meeting thereof, lay or cause to be laid before both Houses of Parliament a Return of all such Payments as shall have been made or authorized under the Power lastly herein-before contained.

Provision for Charges on the Rates.

III. Where any Sum shall have been or shall be borrowed by any Guardians or Managers, and the Debt shall have been or shall be charged by the said Guardians upon the Poor Rates, under the Authority of any Statute, and the same shall be made payable on a Day certain, the Time of Limitation prescribed by this Act for Payment of

of Debts shall commence on that Day; where it shall not have been made payable on any Day certain, then on the Expiration of Twelve Months from the Day when the Money was advanced; and in the Case of any Debt repayable by Instalments each Instalment shall be payable within One Year next after the Day when the same shall fall due, unless the said Board shall in any of the Cases provided for in this Section allow an Extension of the Time for the Payment not exceeding Six Months; and the Interest payable in every Case hereby provided for shall be payable within the like Times only as the Principal.

Provision for Actions against Guardians or Managers.

IV. If any Person claiming any Debt or Demand shall have commenced or shall hereafter commence Proceedings in any Court of Law or Equity, or before any Justice or other competent Authority, within the Time herein-before limited, or within the Time to which the Poor Law Board may grant Extension, and shall with due Diligence prosecute such Proceedings to Judgment or other final Settlement of the Question, such Judgment shall be satisfied by the Guardians or Managers against whom or against whose Officer the same may be brought, notwithstanding that such Judgment may be recovered or such final Settlement arrived at after the Expiration of the Period herein-before provided, and all Proceedings taken by Mandamus or otherwise for the enforcing of such Judgment without Delay shall be deemed to be within the Operation of this Section.

Payment of Attorneys Bills, Delay of.

V. Where the Guardians or Managers shall be engaged in a Suit, Action, or Proceedings in any Court, they shall not be required by any Rule of Law or Provision herein contained to pay the Bill of Costs of any Solicitor or Attorney retained by them for the Purpose thereof until the final Determination of such Suit or Proceeding, or until he shall cease to be so retained by or for them therein; but the Bill of Costs of such Solicitor or Attorney shall be duly taxed and paid within the Term of One Year next after such final Determination of the said Suit, Proceeding, or Retainer, and not afterwards, unless the Poor Law Board shall authorize an Extension of Time not exceeding Six Months; provided that if the said Solicitor or Attorney take Proceedings for the Recovery of his Bill within such Time or the Extension thereof, he shall in such Case have the same Right to be paid as in Section Four; provided also, that nothing herein contained shall prevent the Guardians or Managers from paying Money at any Time on account of the Suit or Proceeding.

No Call or Order to be invalidated.

VI. No Call or Order for Contribution made by any Guardians, nor any Poor Rate made to meet such Call or Order, shall be deemed to

to be illegal on the Ground that the same is made to provide for any Debt, Claim, or Demand, the Payment whereof is authorized by this Act, or on the Ground that the said Call or Order for Contribution includes a Balance due from any Parish or Parishes at the Time when the half-yearly Accounts are made up and balanced as aforesaid: Provided always, that when the Fund out of which any such Debt, Claim, or Demand should have been discharged shall have been already paid by any Parish to the Board of Guardians of any Union, and shall not have been applied for that Purpose, any Funds which may be required to be again contributed to discharge such Debt, Claim, or Demand shall be levied on each Parish in the Union in proportion to the rateable Value of each such Parish.

Interpretation of Terms.

VII. The Words used in this Act shall be construed in like Manner as the same Words are directed to be construed by the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-six, or any subsequent Act amending or explaining the same.

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CAP. L.

An Act further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts. [13th *August* 1859.]

Preamble.

16 & 17 Vict. c. 137.

18 & 19 Vict. c. 124.

21 & 22 Vict. c. 51.

WHEREAS by "The Charitable Trusts Act, 1853," it was provided, that that Act should not, for the Period of Two Years from the passing thereof, extend or be in any Manner applied to Charities or Institutions the Funds or Income of which were applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which were under the Superintendence or Control of Persons of that Persuasion: And whereas by "The Charitable Trusts Amendment Act, 1855," such Charities or Institutions as aforesaid were exempted in like Manner from the Operation of the said Amendment Act, and the Exemption so extended was continued until the First Day of *September* One thousand eight hundred and fifty-six, and has since been extended to the First Day of *September* One thousand eight hundred and fifty-nine: And whereas it is expedient that such Exemption should be further continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

present

present, Parliament assembled, and by the Authority of the same, as follows:

Exemption continued until 1st July 1860.

I. The said Acts shall not, until the First Day of *July* One thousand eight hundred and sixty, extend or be in any Manner applied to the Charities or Institutions aforesaid.

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" *the Management of the said Road in the Metropolis Roads Com-* " *missioners, for the Purpose of paying off the Debt due thereon,*" and except as herein-after mentioned.

Acts in Schedule continued till 1st Nov. 1860.

II. The Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* One thousand eight hundred and sixty, and no longer, unless Parliament shall in the meantime continue the same respectively.

Short Title.

III. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression " The Annual Turnpike Acts Continuance Act, 1859."

SCHE-

SCHEDULE.

An Act for enlarging the Term and Powers of Two Acts of His present Majesty for repairing the Road from the West End of Saint Ives Lane in the Town of St. Neots in the County of Huntingdon to the Pavement at the End of Bell Lane in the Town of Cambridge. 54 G. 3. c. iv.

An Act for repairing the Road from Shelton's Lane in Bury in the County of Huntingdon to a House formerly called The Spread Eagle in the Hamlet of Stratton in the Parish of Biggleswade in the County of Bedford. 59 G. 3. c. xxv.

An Act to enlarge the Term and Powers of Two Acts of His late Majesty for repairing and widening the Road from a Bridge over a Stream called Sudbrook near the City of Gloucester to the Nine Mile Stone on the Bristol Road near the Clay Pitts in the County of Gloucester, and for extending the Powers thereof to the Entrance of the City of Gloucester. 1 & 2 G. 4. c. vi.

An Act for amending and repairing the Road from Thirsk over Skipton Bridge to Hutton Moor, and through Ainderby-Quernhow and Nosterfield to Masham, in the North Riding of the County of York. 1 & 2 G. 4 c. vii.

An Act for more effectually repairing the Road from the North End of a Lane, called Rosemary Lane, in the Township of Broughton to the Town of Mold in the County of Flint, and for diverting a Part of the said Road, and for making a new Branch of Road to communicate with the said Road. 3 G. 4 c l.

An Act for more effectually improving the Roads leading from the East Side of Lincoln Heath to the City of Peterborough, and several other Roads therein mentioned, in the Counties of Northampton and Lincoln; and for making a new Branch of Road to communicate with the said Roads, from Bourn to Spalding, in the said County of Lincoln. 3 G 4. c. lxvi.

An Act for more effectually repairing and improving the Road from a Place called the Old Gallows in the Parish of Sonning otherwise Sunning in the County of Berks, through Wokingham, New Bracknowl, and Sunninghill, to Virginia Water, in the Parish of Egham, in the County of Surrey. 3 G. 4. c. lxxxviii.

An Act for more effectually repairing, widening, and improving the Roads from the West End of Toller Lane near Bradford through Haworth to Blue Bell near Colne, and from the Two Laws to Kighley, in the Counties of York and Lancaster. 4 G. 4. c. xlviii.

An Act for repairing and improving the Road leading from Skipton in the County of York to Colne in the County of Lancaster. 4 G. 4. c. cx.

An Act for amending and improving the Road from Glossop to Marple Bridge in the County of Derby, and the several Branches of Roads leading to and from the same. 5 G. 4. c. xxxv.

An Act for more effectually repairing and improving the Roads from Sheet Bridge to Portsmouth and from Petersfield to the Alton and Alresford Turnpike Road near Ropley in the County of Southampton, and for making and maintaining a new Branch of Road to communicate therewith. 6 G. 4. c. lxxxvii.

An

Turnpike Acts Continuance.

6 G. 4. c. cxlix. An Act for repairing, widening, improving, and maintaining in repair the Turnpike Roads from Leeds to Halifax, and the several Branches and Roads therein mentioned, in the West Riding of the County of York.

7 G. 4. c. xvi. An Act for more effectually repairing and improving the Roads from Manchester, in the County Palatine of Lancaster, to Salters Brook in the County Palatine of Chester, and for making and maintaining several Extensions or Diversions of Road, and a new Branch of Road to communicate therewith.

7 G. 4. c. lxxiii. An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks towards Reading, to a Place called the Seven Mile Stone in the Parish of Beenham in the same County, and a certain other Road communicating therewith.

9 G. 4. c. lxx. An Act for repairing the Roads from Horsham to Steyning, and from thence to the Top of Steyning Hill, in the County of Sussex, and from the Bottom of Steyning Hill to Slaughter's Corner in the Parish of Beeding, and from thence to Shoreham Bridge in the Parish of Old Shoreham in the said County.

1 Vict. c. xli. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled An Act for repairing the Road from the Thirty-three Mile Stone in the Parish of Ruscombe in the County of Berks towards Reading, to a Place called The Seven Mile Stone in the Parish of Beenham in the said County, and a certain other Road communicating therewith.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LII.

An Act to amend the Laws relating to the Police District of *Dublin* Metropolis.

[13th *August* 1859.]

WHEREAS by an Act passed in the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter Twenty-nine, it was enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint Two fit Persons as Justices of the Peace for and of the Police District of *Dublin* Metropolis, to execute such Duties as are in the said Act specified or referred to, and the said Act also empowered the said Lord Lieutenant to direct that an annual Salary not exceeding the Sum of Eight hundred Pounds should be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to each of the Justices to be so appointed; and by the said Act the Commissioners of the Treasury were empowered to appoint a Person to receive all Sums of Money applicable to the Purposes of the said Act, and to allow to him such yearly Salary as therein mentioned; and the Duties of such Receiver were in the said Act particularly set forth: And whereas by several subsequent Acts the Duties and Powers of the Justices appointed under the said first-recited Act, and which Justices are in such subsequent Acts denominated

6 & 7 W. 4. c. 29.

denominated Commissioners of Police for the said District, have been extended and defined; and the Office of Secretary to the said Commissioners is recognized, and certain Notices are directed to be served upon him: And whereas by an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Ninety-four, the Charge of the Salaries of the said Justices or Commissioners has been removed from the Consolidated Fund of the United Kingdom, and the said Salaries are now annually provided for by Parliament: And whereas by an Act passed in the First Year of the Reign of Her Majesty, Chapter Twenty-five, Power was given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to divide the Police District of *Dublin* Metropolis into any Number not exceeding Four Divisions, and to define and declare the Limits thereof accordingly, and to establish Public Offices therein, One in each such Division, and to attach to each such Office any Number not exceeding Three Divisional Justices; and it was thereby further enacted, that whenever the Number of Divisional Justices at any Public Office in the said District should not exceed Two, or the Number of Offices be reduced below Four, it should be lawful for the said Lord Lieutenant or other Chief Governor or Governors to increase the Salary of each Divisional Justice at the said Office, or in case of the Reduction of the Number of Offices at the remaining Offices, to any Sum not exceeding Six hundred Pounds by the Year, to be charged on the Funds applicable to the Maintenance of the said Police: And whereas by another Act passed in the Third and Fourth Years of Her Majesty's Reign, Chapter One hundred and three, it was enacted, that it should be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, to establish in any One or more of the Divisions of the said District such Number of Public Offices as should to him or them, with the Advice and Consent aforesaid, appear necessary: And whereas, in pursuance of the said recited Acts, the Divisions of the said District have been reduced to Three, and in One of such Divisions Two Public Offices are established, One in the City of *Dublin* and the other in the Town of *Kingstown*, and in the said last-mentioned Office Justice is administered by One of the Justices of the Division to which the same belongs: And whereas it is expedient that instead of Two Commissioners of Police there should be One Commissioner and One Assistant Commissioner of Police for the said District of *Dublin* Metropolis, and that Provision should be made for consolidating the Offices of Receiver of the said Police District, Secretary to the said Commissioners, and Supervisor of Taxes of the said District, and that Provision should be made for consolidating

17 & 18 Vict. c. 94.

1 Vict. c. 25.

3 & 4 Vict. c. 103.

consolidating the Divisions of the said District, and administering Justice at One or more Police Courts in the said District, without Reference to such Divisions: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Interpretation of this Act the Words "Lord Lieutenant" shall mean Lord Lieutenant or other Chief Governor or Governors of *Ireland*, "Commissioners of Police" and "Receiver" shall mean respectively the Justices and the Receiver appointed under the first herein-before recited Act, "Justices" shall mean "Divisional Justices," or Justices appointed to administer Justice at the Police Office or Police Courts of the Police District of *Dublin* Metropolis.

When the Office of Commissioner of Police is vacant, Lord Lieutenant may appoint an Assistant Commissioner.

II. Whenever a Vacancy shall occur in the Office of Commissioner of Police, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to appoint an Assistant Commissioner to act with the remaining Commissioner, and from Time to Time to appoint Successors to such Commissioner and Assistant Commissioner; and such Assistant Commissioner shall take the Oath required to be taken by the Commissioners of Police, and shall thereupon, with the remaining Commissioner, who shall be styled henceforward "the Chief Commissioner," possess and be subject to all the Powers, Duties, and Provisions of or affecting the Commissioners of Police, but subject to the Provisions herein-after contained.

Salaries to be paid after such Vacancy shall take place.

III. The Salary of the Chief Commissioner of Police shall from and after the Occurrence of such Vacancy be One thousand Pounds by the Year, and the Salary of such Assistant Commissioner when so appointed as aforesaid shall be Six hundred Pounds by the Year, and the Salaries of the said Commissioners, or Chief Commissioner and Assistant Commissioner, as the Case may be, shall from and after the passing of this Act be payable out of such Monies as shall be annually provided by Parliament for the Purpose.

One Commissioner to act in certain Cases.

IV. Anything authorized to be done by the Commissioners by any Act herein recited or by any other Act may be done by either of the Commissioners now holding Office, and after the Commissioners shall have become Chief Commissioner and Assistant Commissioner, as herein provided, may be done by the Chief Commissioner alone, or in his Absence by the Assistant Commissioner alone; provided that to establish the Validity of any Act or Thing done by the Assistant

Assistant Commissioner it shall not be necessary to prove the Absence of the Chief Commissioner.

When the Offices of Receiver, Secretary, and Supervisor be vacant Lord Lieutenant may appoint One Person to hold the said Offices.

V. Whenever the Offices of Receiver, Secretary to the Commissioners of Police, and Supervisor of Taxes, or any of them, shall be vacant, it shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of the Treasury, to appoint One and the same Person to hold the said Offices, or such of them as shall be vacant; and it shall be lawful for the Commissioners of the Treasury to assign to the Person to be appointed to the said Offices an annual Salary not exceeding Five hundred Pounds.

Offices may be consolidated if no Vacancy have occurred, and Compensation granted for Loss of Office.

VI. If the Commissioners of the Treasury shall be of opinion that it would be for the Advantage of the Public Service that the said Offices should be so consolidated as aforesaid, notwithstanding that no such Vacancy shall have occurred, it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Lieutenant, to carry into effect such Consolidation, and to grant to the Holders of the said Offices of Receiver, Secretary, and Supervisor such Pension or Annuity by way of Compensation for the Loss thereof as to them may appear just, not exceeding Two Thirds of the respective Salaries of the said Receiver, Secretary, or Supervisor, when the Holders of the said Offices shall have served for a Period of less than Twenty Years, and an annual Sum not exceeding the whole of the Salary when such Service shall have exceeded the said Period of Twenty Years.

When Consolidation of Offices shall include Receiver, that Officer to be styled the Accountant, and Property to be vested in him, &c.

VII. Whenever the Consolidation of the Offices aforesaid shall include the Office of Receiver, the Person to be appointed to the consolidated Office shall be deemed and taken to be and shall be designated "the Accountant" of the said Commissioners of Police; and all Property belonging to, acquired, or purchased by the said Receiver in his public Capacity, and all Monies standing in his Name in the Books of the Governor and Company of the Bank of Ireland, and all Cash Balances in hand, shall be vested in the said Accountant; and all Proceedings, of what Kind soever, which if this Act had not been passed should have been taken or done by or in the Name of any of the Holders of the Offices so consolidated shall thereafter be taken or done by or in the Name of the said Accountant, as fully and effectually, to all Intents and Purposes, as if the Word "Accountant" had been used in the Act of Parliament, Lease, Contract, Licence, or other Instrument which authorized the taking or doing thereof, instead of the Words "Receiver," "Secretary," or "Supervisor," as the Case may be; and such Accountant shall give to the said Commissioners of Police Security for the due and faithful Application

Application of all Monies paid to him or lodged to his Account under the Provisions of the Acts relating to the *Dublin* Police, in such Manner and Amount as shall be determined by the said Commissioners, with the Approval of the Commissioners of the Treasury.

VIII. It shall be lawful for the Lord Lieutenant, if he shall so think fit, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, to abolish the Divisions of the said Police District, and from Time to Time to order that there shall be for the whole of the said District such Number of Public Offices or Police Courts for the Administration of Justice, to be held at such Place or Places, as he shall by and with such Advice and Consent as aforesaid deem proper; and the Lord Lieutenant may, if he shall so think fit, reduce the Number of Justices for the said District.

Lord Lieutenant may abolish Divisions of Police District, and appoint such Number of Courts and Justices as he may think fit.

IX. Whenever the Number of Justices of the said Police District shall not exceed Five, it shall be lawful for the Lord Lieutenant, if he shall so think fit, to raise the Salary of each of the said Justices to any Sum not exceeding Nine hundred Pounds by the Year, provided that the Amount of such increased Salaries shall not exceed the gross Amount now authorized by Law to be paid to all such Justices respectively.

When Number of Justices reduced to Five, Lord Lieutenant may raise the Salary of Justices.

X. It shall be lawful for the Lord Lieutenant to direct the regular daily Attendance at the Police Courts of the said Justices or any of them, or of any of the other Justices heretofore appointed or hereafter to be appointed, and to make from Time to Time such Regulations in respect of the Number of Justices to attend each Police Court, and of the Attendance thereat of any of such Justices, and of the Officers belonging to any of the Police Courts, as may be deemed expedient.

Lord Lieutenant may direct daily Attendances at Police Courts.

XI. It shall be lawful for any One Justice to sign and execute any Warrant or other Instrument, or to do alone at any of the said Police Courts, or at any Place where for any special Purpose he may by Warrant under the Hand of the said Chief or Under Secretary be directed to attend and to act singly, any Act which by any Law now in force, or by any Law not containing an express Enactment to the contrary, hereafter to be made, is or shall be directed to be signed, executed, or done by more than One Justice.

One Justice may do any Act directed to be done by more than One Justice.

XII. It shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Lieutenant, to grant to any Magistrate, Clerk, or other Person belonging to any of the Offices of the Police Department whose Office shall cease or become unnecessary, or

Compensation to Persons belonging to the Police Department

whose Offices are abolished by this Act.

or be abolished under this Act, and who shall not be reappointed or employed or retained in an Office of equal Value, such Compensation or Allowance, chargeable upon and payable out of any Monies provided by Parliament for the Maintenance of the Police of the said Police District of *Dublin* Metropolis, as under the Circumstances of each Case shall appear just: Provided always, that the Payment of any such last-mentioned Compensation or Allowance shall altogether cease and be suspended while the Person to whom such Compensation or Allowance shall be granted shall hold any Office in any Public Department the Salary or Profits of which shall be equal to or shall exceed the Salary which was enjoyed by such Person in such Office so ceasing or becoming unnecessary or being abolished; and in case the Salary or Profits of the Office to which such Person shall be appointed shall be less than the Salary which was enjoyed by such Person in such Office so ceasing or becoming unnecessary or being abolished, then only such Amount of Compensation or Allowance shall be paid to him as shall, together with the Salary and Profits of such new Office, be equal to the Amount of the Salary enjoyed by such Person at the Time of his Office so ceasing or becoming unnecessary or being abolished as aforesaid.

Act not to lessen, &c. Power of Justices.

XIII. Nothing in this Act contained shall lessen, take away, or abridge any Power, Jurisdiction, or Authority now possessed by the said Justices of the said District.

Short Title.

XIV. This Act may be cited for all Purposes as "The *Dublin* Police Act, 1859."

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LIII.

An Act to enable Charitable and Provident Societies and Penny Savings Banks to invest all their Proceeds in Savings Banks. [13th *August* 1859.]

WHEREAS by the Acts now in force Friendly Societies legally established are entitled to invest their Funds to any Amount in a Savings Bank: And whereas Charitable Societies and Provident Institutions can only invest to the Amount of One hundred Pounds *per Annum*, and the Amount of the Sum to be invested by such Institution or Society cannot exceed the Sum of Three hundred Pounds in the whole, exclusive of Interest: And whereas it is expedient to place such Societies and Institutions, and also Penny Savings Banks, upon the same Footing in that respect as Friendly Societies legally established: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,—

Funds of Penny Savings Banks, &c. may be invested in Savings Banks to any Amount.

I. That it shall be lawful for the Trustees or Treasurer of any Penny Savings Bank, Charitable or Provident Institution or Society, or Charitable Donation or Bequest for the Maintenance, Education, or Benefit of the Poor in *Great Britain* or *Ireland*, to invest, with the Approval

Approval of the Commissioners for the Reduction of the National Debt, or the Comptroller General acting under them, and under such Regulations as shall be prescribed by them in that respect, the Funds of such Penny Savings Bank, Institution, or Society, without Restriction as to Amount, into the Funds of any Savings Bank duly established.

If Savings Banks Rules are already certified they need not be again certified.

II. Provided always, That nothing contained in this Act respecting Savings Banks shall render it necessary to have the Rules and Regulations again certified if the same have been before certified according to Law.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

***

the Money required for Pay of Regular Militia.

Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the daily Rates following; (that is to say,)

Rates of Pay.

For each Adjutant Ten Shillings:

For each Quartermaster, where One is appointed in Corps consisting of not less than Three hundred and sixty Private Men, Five Shillings *per Diem*; and of less than Three hundred and sixty Private Men, Three Shillings and Sixpence *per Diem*:

For each Serjeant Major of Infantry, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence, and of Artillery, Three Shillings:

For each Quartermaster Serjeant and Paymaster Serjeant (in Corps whose Establishment exceeds Four Companies) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence; and to the Serjeant performing the Duty of both Quartermaster Serjeant and Paymaster Serjeant (in Corps consisting of Four Companies or less) of Infantry, One Shilling and Eightpence, and of Artillery, Two Shillings and Sixpence:

For each Serjeant of Infantry, One Shilling and Sixpence, and of Artillery, Two Shillings and Twopence:

For each Drummer, Trumpeter, or Bugler above Sixteen Years of Age, One Shilling, and under Sixteen Years of Age, Tenpence:

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively:

Contingent Fund.

And also at Rates varying from Two Shillings to Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps, when enrolled:

Clothing.

And the Secretary of State for War for the Time being shall give the necessary Instructions for the Provision of Clothing for each Serjeant Major, Serjeant, and Drummer on the Disembodied Staff of the Militia of *Great Britain* and *Ireland* who shall be resident at Head Quarters, and the said Disembodied Staff shall be entitled to be clothed once in Two Years.

Adjutant, &c. to reside where the Secretary of State for War shall appoint.

II. Except when employed as herein-after provided, every Adjutant, Quartermaster, and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary of State for War, and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar

Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants, Quartermasters, and Non-commissioned Officers of Militia may be employed in their Counties.

III. Every Adjutant, Quartermaster, and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea Hospital*, in such Manner as One of Her Majesty's Principal Secretaries of State may determine: Provided always, that the Senior Officer shall have the Command of the Force so employed.

Quartermaster, &c. to have Charge of the Arms and Clothing.

Adjutant to issue the Money for contingent Expenses on an Order signed by the Colonel.

IV. The Quartermaster of each Regiment of Militia in which a Quartermaster is appointed and receives daily Pay under the Provisions of the First Section of this Act, and when no Quartermaster is appointed, then the Adjutant of each Regiment of Militia, shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and the Adjutant shall, out of the Allowance directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money: Provided always, that it shall and may be lawful for the Secretary of State for War to order and direct that the Arms, Accoutrements, and other Stores, or any Part thereof, belonging to any Regiment, Battalion, or Corps of Militia of the United Kingdom shall at any Time, while such Regiment, Battalion, or Corps shall not be embodied or in actual Service, be conveyed to and deposited and kept in any of Her Majesty's War Office Stores.

Balance to form a Stock Purse.

Arms may be deposited in War Office Stores, by Order of Secretary of State for War.

In Absence of the Adjutant, the Serjeants to be under the Command of the Quartermaster, and,

V. In the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants and Drummers shall be under the Command of the Quartermaster in Cases in which One is appointed, and when no Quartermaster is

in his Absence, of the Serjeant Major.

is appointed or is present, then under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant and Quartermaster; and the said Quartermaster and Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

Militia when called out for Training or Exercise entitled to Pay.

VI. The Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the following daily Rates of Pay and Allowances:

	Infantry.			Artillery.		
	£	s.	d.	£	s.	d.
Colonel - - -	1	2	6	1	2	6
Lieutenant-Colonel - - - -	0	15	11	0	15	11
Major - - - -	0	14	1	0	14	1
Captain (including non-effective Allowance) -	0	10	6	0	10	6
Lieutenant - - - -	0	6	6	0	6	6
Ensign - - - - -	0	5	3	0	5	3
Adjutant, if acting also as Paymaster in Corps consisting of Four Companies and upwards*	0	3	9	0	3	9
" if acting also as Paymaster in Corps consisting of less than Four Companies* -	0	2	6	0	2	6
" if acting also as Paymaster and Quartermaster in Corps consisting of Four Companies and upwards* - -	0	7	0	0	7	0
" if acting also as Paymaster and Quartermaster in Corps consisting of less than Four Companies* - - -	0	4	6	0	4	6
Quartermaster (if not holding a Subaltern's Commission, nor on the Permanent Staff)	0	6	6	0	6	6
" (if holding a Subaltern's Commission, and if not on the Permanent Staff)	0	3	6	0	3	6
" (if on the Permanent Staff in Corps of not less than 360 Private Men)*	0	1	6	0	1	6
" (if on the Permanent Staff in Corps of less than 360 Private Men * -	0	3	0	0	3	0
Surgeon - - - - -	0	11	4	0	11	4
Assistant Surgeon - - -	0	7	6	0	7	6
Serjeant Major* - - -	0	0	2¾	0	0	6
Quartermaster Serjeant* - - - -	0	0	4¾	0	0	4
Paymaster Serjeant* - - - -	0	0	4¾	0	0	4
Serjeant (if on the Permanent Staff) - -	0	0	0¾	0	0	4
" (if not on the Permanent Staff) - -	0	1	6¾	0	2	6
Corporal - - - - -	0	1	2¼	0	1	4¼
Drummer, Bugler or Trumpeter - - -	0	0	1	0	0	3
Private - - - - -	0	1	0	0	1	2
Command Allowance to the Officer actually in Command during Training and Exercise, if the Pay of Colonel is not drawn - - - -	0	3	0	0	3	0
Beer Money to each Non-commissioned Officer, Drummer, and Private present at Training and Exercise - - - - -	0	0	1	0	0	1

* These Rates of Pay, during Training and Exercise only, are in addition to the Daily Rates of Disembodied Pay granted by Section I.

VII. Volun-

Militia Pay.

VII. Volunteers shall, with the Sanction of the Secretary of State for War, when attached to Regiments of the Line to qualify themselves for the Permanent Staff, either as Serjeants or Drummers, be allowed Pay whilst so under Instruction, but while they remain so attached they will be under the Command of the Officer commanding the Regiment of the Line equally with the Soldiers of that Regiment, and will be subject to the Provisions of the Mutiny Act.

Volunteers attached to Regiments of the Line to be subject to the Mutiny Act.

VIII. And whereas certain Lieutenants, Ensigns, and Surgeons Mates of the Militia of *Great Britain*, or Subaltern Officers and Assistant Surgeons of the Militia of *Ireland*, when unfit for further Duty, have been placed upon a retired Allowance equal to and instead of the Allowance granted to them on the disembodying of the Militia at the Termination of the War in the Year One thousand eight hundred and fifteen: And whereas certain Paymasters, Surgeons, and Quartermasters, when unfit for Duty, have also been placed on a retired Allowance equal to and instead of their reduced Allowances granted to them in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth: All such Paymasters, Surgeons, Quartermasters, Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowances, shall make and subscribe the following Declaration; (*videlicet*,)

Certain Officers unfit for Duty entitled to a retired Allowance, upon making the following Declaration.

'I do solemnly and sincerely declare, That I
'formerly served as a in the
'Militia; that I am not in Holy Orders; and that from the
'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions
'of Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of per Diem as a of the
'said Militia, except my Half Pay or Civil Pension as a

Form of Declaration.

IX. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: No Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension to reduced Non-commissioned Officers and Drummers not to be received while serving.

X. Provided always, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers,

Persons on Half Pay, or entitled to Allowance as having served in the Army or

Navy, empowered to receive Pay, &c. during Training.

Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon, shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided also, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XI. Provided always, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XII. There shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Twopence *per* Week for each of the Non-commissioned Officers and their Families of each Regiment on the Disembodied Staff at Head Quarters, for the Expenses of necessary Medicines and Attendance given to the said Non-commissioned Officers and their Families while such Regiment is not called out for Training and Exercise.

Reduced Adjutants to receive 4*s.* per Day till 31st July 1860.

XIII. In case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and fifty-nine, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,)

be,) to the Thirty-first Day of *July* One thousand eight hundred and sixty, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

XIV. And whereas certain Adjutants are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem:* All such Adjutants shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and fifty-nine to the Thirty-first Day of *July* One thousand eight hundred and sixty.

Adjutants entitled to Allowance under 39 & 40 G. 3. c. 44.

XV. Every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty, other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Proviso.

XVI. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same

Allowances to Adjutants, Surgeons, and Quartermasters.

same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances granted to Adjutants on Completion of certain Periods of Service.

XVII. The following Allowances shall be granted and paid, under the Restrictions and Limitations herein-after expressed, to Adjutants of the Militia of *Great Britain* and *Ireland*, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit, either by Age or Infirmity, for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet*,)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

Provided, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary of State for War of a Certificate of such Service and Disability; and upon the Order of the Secretary of State for War, founded upon such Certificate, the Paymaster General shall pay to such Adjutant the above Allowance: Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary of State for War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit

Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment.

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

XVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: The said Allowances shall be issued and paid during the Continuance of this Act, under the Restrictions and in the Manner herein-after expressed: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

A Declaration to be taken by Adjutants of Local Militia claiming the said Allowance.

XIX. Every Adjutant of Local Militia who shall claim under the Authority of this Act to receive any Part of the said Allowance shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some One of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some One of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I was serving as Adjutant in the of Local Militia at the Reduction of the Staff of the said Militia in One thousand eight hundred and twenty-nine; and that I was not in Holy Orders during any Part of the Period for which I now claim to receive an Allowance, that is to say, from the Day of One thousand eight hundred and to the Day of One thousand eight hundred and ; and that I did not hold or enjoy, nor did any Person for me hold or enjoy, during any Part of the said Period, any Place, Office, or Employment of Profit, Civil or Military, under the Crown or any other Government, besides the Allowance of a Day now claimed, except my Half Pay as a [of the Army *or* Navy *or* Marines, *or* of a Provisional Battalion formed from the Militia, *as the Case may be*].'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Adjutant

claiming the Allowance: Provided always, that any Adjutant receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Allowance to Clerks of General Meetings, &c.

XX. Where the Militia is raised by Ballot in *Great Britain* Allowances shall be made and issued to the Clerks of General and Subdivision Meetings of Lieutenancy and others mentioned in Schedule A. to this Act for their Trouble and Expenses in the Execution of the Laws relating to the Militia at the Rates mentioned in the same Schedule; and where the Militia is raised in the United Kingdom otherwise than by Ballot, Allowances shall be made and issued to the Clerks of General Meetings for their Trouble and Expenses in the Execution of such Laws at the Rates mentioned in the Schedule B. to this Act.

Manner of granting Allowances.

XXI. The said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon* or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,)

Clerks, &c. to make Declaration of the Justness of their Accounts.

Declaration of a Clerk of General or Subdivision Meetings.

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the Public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

Declaration of a Schoolmaster, Constable, or other Officer in *Scotland*.

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the Public Service according to the Manner therein set 'forth; and that I was employed on such Business the full Time 'therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And

And the said Accounts shall be transmitted to the Secretary of State for War, who is hereby empowered to issue the Allowances according to the Rates specified in the respective Tables to this Act annexed, or such Sums as he shall think reasonable and proper.

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

XXII. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from compulsory Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: It shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,)

Declaration to be made by Surgeon.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service of the Man or Men about to be submitted to my Exami-'nation, and that I will not receive from any of them any Fee or 'Reward whatever for any such Examination.'

Allowance to Surgeon

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary of State for War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary of State for War.

XXIII. All Sums of Money granted for the Pay, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary of State for War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on

XXIV. All Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such

unstamped Paper.

such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXV. No Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXVI. All Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXVII. This Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and fifty-nine until the First Day of *September* One thousand eight hundred and sixty.

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE A.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution the Acts relating to the Militia when the Militia are raised by Ballot.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) -	0	7	6
2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, &c.			
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - -	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary-at-War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - -	3	3	0
Ditto - - from 401 to 600 Men - -	4	4	0
Ditto - - from 601 to 800 Men - -	5	5	0
Ditto - - from 801 Men and upwards -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - from 201 to 400 Men -	2	2	0
Ditto - - - from 401 to 600 Men -	3	3	0
Ditto - - - from 601 to 800 Men -	4	4	0
Ditto - - - from 801 Men and upwards	5	5	0

	£	s.	d.
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - -	0	10	0
Ditto - 151 to 250 Names - - -	1	0	0
Ditto 251 Names and upwards - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - Two - Ditto - -	1	10	0
Ditto - Three - Ditto - -	2	0	0
No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.			
Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.			
9. For Stationery:			
To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - -	2	0	0
Ditto - from 301 to 600 Men - -	3	0	0
Ditto - from 601 to 900 Men - - -	4	0	0
Ditto - from 901 Men and upwards - -	5	0	0
10. For Copyings, Correspondence, &c. &c.:			
To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - -	2	0	0
In a County furnishing from 201 to 400 Men - -	3	0	0
Ditto - from 401 to 600 Men - -	4	0	0
Ditto - - from 601 to 800 Men - -	5	0	0
Ditto - - from 801 Men and upwards -	6	0	0
11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			

TRAINING AND EXERCISE.

12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - -	0	0	6
13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and			

Militia Pay.

	£	s.	d.
Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - -	1	0	0
In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - -	2	0	0
Ditto - Two - Ditto - -	3	0	0
Ditto - Three - Ditto - -	4	0	0

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - -	0	5	0
Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter -	0	1	0
15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men	£2 per 1,000		
18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - -	2	2	0
Ditto from 51 to 150 Men - - -	3	3	0
Ditto from 151 to 250 Men - - - -	4	4	0
Ditto from 251 Men and upwards - - -	5	5	0

	£	s.	d.
19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,)			
For a Roll containing 50 Names and under - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	1	10	0
Ditto from 51 to 150 Men - -	2	0	0
Ditto from 151 to 250 Men - - -	2	10	0
Ditto from 251 Men and upwards - -	3	0	0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,)			
For a Subdivision furnishing 50 Men and under -	2	0	0
Ditto from 51 to 150 Men - -	3	0	0
Ditto from 151 to 250 Men - - -	4	0	0
Ditto from 251 Men and upwards - -	5	0	0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 Men and upwards - -	1	0	0

TRAINING AND EXERCISE.

24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 50 Names and under -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 Names and upwards - -	1	0	0

	£	s.	d.
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia:			
For each Precept containing 10 Names and under -	0	0	6
Ditto from 11 to 30 Names - -	0	1	0
Ditto from 31 to 50 Names - -	0	2	6
Ditto from 51 to 70 Names - -	0	4	0
Ditto from 71 to 100 Names - -	0	7	0
Ditto from 100 upwards - - -	0	10	0
25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise:			
For a Roll containing 20 Names and under - -	0	2	0
Ditto from 21 to 50 Names - -	0	5	0
Ditto from 51 to 150 Names - -	0	10	0
Ditto from 151 to 250 Names - -	0	15	0
Ditto from 251 and upwards - -	1	0	0
26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain:			
For a Subdivision furnishing 50 Men and under -	0	5	0
Ditto from 51 to 150 Men - -	0	10	0
Ditto from 151 to 250 Men - - -	0	15	0
Ditto from 251 and upwards - -	1	0	0

ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting -	0	10	0
30. For filling up and delivering Notices to balloted Men, per Day - - - - - - -	0	5	0
31. For Stationery, per Annum - - -	0	5	0

ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - -	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines - - - - -	0	1	0
34. For attending each Meeting of Lieutenancy, per Day -	0	4	0
35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - -	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum - - - -	0	5	0

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expenses not exceeding Ninepence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

SCHEDULE B.

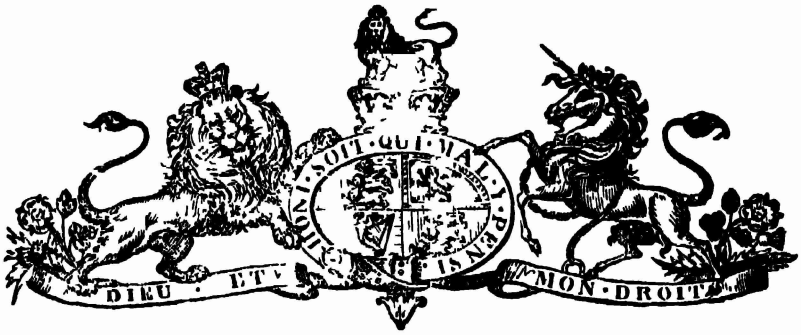
SCALE of RATES of REMUNERATION to the Clerks of General Meetings for any Duty they may be required to perform under the Acts relating to the Militia, or by Her Majesty's Secretary of State, or (in Ireland) by the Lord Lieutenant, in execution of the Provisions of such Acts when the Militia is raised otherwise than by Ballot.

CLERKS OF GENERAL MEETINGS.

	Per Annum. £	s.	d.
For Trouble in executing the Duty required of them, including Copyings, Correspondence, and Stationery:			
In Counties where the Quota does not exceed 200 -	15	0	0
Where the Quota is			
Above 200, and not exceeding 400 - - -	20	0	0
Above 400, and not exceeding 500 - - -	25	0	0
And where the Quota exceeds 500, the following Additions for every 100, or fractional Part of 100:			
Above 500, and not exceeding 1,000 - - -	4	0	0
Above 1,000, and not exceeding 2,000 - -	3	0	0
Above 2,000, and not exceeding 3,000 - - -	2	0	0
Above 3,000, and not exceeding 4,000 - -	1	10	0
Above 4,000 - - - - - -	1	0	0
For convening and attending any General Meeting summoned by the distinct Order of the Secretary of State, or (in Ireland) of the Lord Lieutenant - -	2	2	0

The actual Expense incurred in printing or advertising, and for Postage, may be charged.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LV.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-nine, and to appropriate the Supplies granted in this Session of Parliament.

[13th *August* 1859.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

There shall be applied for the Service of the Year 1859 the Sum of 11,924,362*l.* 11*s.* out of the Consolidated Fund

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-nine, the Sum of Eleven million nine hundred twenty-four thousand three hundred and sixty-two Pounds Eleven Shillings, out of the Consolidated Fund of

of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 11,924,362*l.* 11*s.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million nine hundred twenty-four thousand three hundred and sixty-two Pounds Eleven Shillings; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses, &c. in recited Acts extended to this Act.

III. All and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Exchequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 11,924,362*l.* 11*s.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million nine hundred twenty-four thousand three hundred and sixty-two Pounds Eleven Shillings,

Shillings, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

VI. It shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present or in the preceding Session of Parliament.

Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland at any Period not later than the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-nine, the Sum of Two hundred fifty thousand one hundred and six Pounds Nine Shillings, being the Surplus of Ways and Means granted for the Service

Treasury may apply, for the Service of the Year 1859, 250,106*l.* 9*s.* Surplus of Ways and Means.

Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Appropriation of Ways and Means to Services hereafter expressed.

22 & 23 Vict. c. 2.

X. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this Session of Parliament, intituled "An Act to apply the Sum of Seven Millions "out of the Consolidated Fund to the Service of the Year One thou- "sand eight hundred and fifty-nine," and also the respective Sums of Eleven million nine hundred twenty-four thousand three hundred and sixty-two Pounds Eleven Shillings, and of Two hundred fifty thousand one hundred and six Pounds Nine Shillings, by this Act granted, amounting in the aggregate to the Sum of Nineteen million one hundred seventy-four thousand four hundred and sixty-nine Pounds, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for or towards the several Uses and Purposes hereafter expressed.

There shall be issued 6,468,003*l.* for Navy Services; viz.:

579,695*l.* for Wages to 10,000 additional Seamen and Marines, &c.;

247,212*l.* for Victuals, &c. in the Navy;

3,000*l.* for additional Clerks in Whitehall and Somerset House;

100,000*l.* for Volunteer Force of Seamen;

XI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six million four hundred sixty-eight thousand and three Pounds, for or towards the Navy Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Five hundred seventy-nine thousand six hundred and ninety-five Pounds, to defray the Charge of Wages, &c. to Ten thousand additional Seamen and Marines, including the Sum of One hundred thousand Pounds, to provide for the Payment of Gratuities to Seamen now serving in Her Majesty's Ships who have at least Five Years to serve, or who engage to serve for Five Years if so required, which will come in course of Payment in the Eleven Months ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred forty-seven thousand two hundred and twelve Pounds, to defray the Charge of Victuals to additional Seamen and Marines, which will come in course of Payment in the eleven Months ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand Pounds, to provide for the additional Employment of Clerks in the Establishments of Whitehall and Somerset House, to meet the Increase of Business consequent upon the Addition to the Fleet during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Expense of forming a Volunteer Force of Seamen, which will come in course of Payment during the Year ending on the Thirty-first Day of March One

One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty-one thousand three hundred and fifty-eight Pounds, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred and three thousand and eighty-nine Pounds, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty thousand and eighty-three Pounds, to complete the Sum necessary to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One million seventy-seven thousand seven hundred and eighty-two Pounds, to complete the Sum necessary to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty-nine thousand three hundred and thirty Pounds, to complete the Sum necessary to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two million one hundred seventeen thousand one hundred and thirty Pounds, to complete the Sum necessary to defray the Expense of Naval Stores for the building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four hundred sixty-seven thousand four hundred and eleven Pounds, to complete the Sum necessary to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty-five thousand Pounds, to complete the Sum necessary to defray the Charge of Medicines and Medical Stores, which will come in course of Payment

41,358*l.* for the Navy Scientific Departments;

103,089*l.* for Naval Establishments at home;

20,083*l.* for Naval Establishments abroad;

1,077,782*l.* for Wages of Artificers, &c. at home;

39,330*l.* for Wages of Artificers, &c. abroad;

2,117,130*l.* for Naval Stores, &c.;

467,411*l.* for New Works in Naval Establishments;

45,000*l.* for Medicines, &c.;

ment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty-two thousand two hundred and twenty-one Pounds, to complete the Sum necessary to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three hundred sixty-eight thousand three hundred and eleven Pounds, to complete the Sum necessary to defray the Charge of Half Pay, Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred forty-three thousand nine hundred and fifty-seven Pounds, to complete the Sum necessary to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eighty-three thousand four hundred and sixteen Pounds, to complete the Sum necessary to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred and seventy-five thousand Pounds, to complete the Sum necessary to defray the Charge for the Freight of Ships, for the Victualling and Conveyance of Troops, on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seven hundred four thousand and eight Pounds, to complete the Sum necessary to defray the Charge of the Packet Service for the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty.

52,221*l.* for Naval Miscellaneous Services;

368,311*l.* for Naval Half Pay, &c.;

243,957*l.* for Military Pensions;

83,416*l.* for Civil Pensions;

175,000*l.* for Freight of Ships, Victualling, and Conveyance of Troops, &c.;

704,008*l.* for Packet Service.

There shall be issued 1,099,412*l.* for certain Army Services, viz:

XII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million ninety-nine thousand four hundred and twelve Pounds, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Necessaries, and Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad, herein-after more particularly mentioned; (that is to say,) any further Sum or Sums of Money not exceeding One hundred and eight thousand three hundred and seventy-five Pounds, towards

108,375*l.* for Wages of Artificers, &c.;

towards defraying the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three hundred thousand Pounds, to complete the Sum necessary to defray the Charge of Clothing and Necessaries, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding Ninety-three thousand one hundred and eighty Pounds, towards defraying the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding Four hundred fourteen thousand five hundred and thirty-seven Pounds, towards defraying the Charge of Warlike Stores for Land and Sea Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding One hundred twenty-three thousand five hundred Pounds, towards defraying the Charge of Fortifications at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding Twenty-three thousand four hundred and fifty Pounds, towards defraying the Charge of Civil Buildings at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding Thirty-six thousand three hundred and seventy Pounds, towards defraying the Charge of Barracks at home and abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two million two thousand one hundred and eighty Pounds, for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,) any further Sum or Sums of Money not exceeding Four hundred and ten thousand Pounds, towards defraying the Charge of the Embodied Militia of Great Britain and Ireland, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any further Sum or Sums of Money not exceeding One thousand eight hundred and twenty-five Pounds, towards defraying the Charge of the educational and scientific Branches, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen

300,000*l.* for Clothing and Necessaries;

93,180*l.* for Provisions, Barrack Furniture, &c.;

414,537*l.* for Stores for Land and Sea Service;

123,500*l.* for Fortifications;

23,450*l.* for Works, Buildings, &c.;

36,370*l.* for Barracks;

2,002,180*l.* for other Army Services, viz.:

410,000*l.* for Embodied Militia;

1,825*l.* for Educational and Scientific Branches;

13,370*l.* for Rewards for Military Service;

Thirteen thousand three hundred and seventy Pounds, to complete the Sum necessary to defray the Charge of Rewards for Military Service, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

41,067*l.* for General Officers;

and any Sum or Sums of Money not exceeding Forty-one thousand and sixty-seven Pounds, to complete the Sum necessary to defray the Charge of the Pay of General Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

265,702*l.* for Reduced and Retired Officers;

and any Sum or Sums of Money not exceeding Two hundred sixty-five thousand seven hundred and two Pounds, to complete the Sum necessary to defray the Charge of the Pay of reduced and retired Officers, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

95,916*l.* for Pensions to Widows, and Compassionate List, &c.;

and any Sum or Sums of Money not exceeding Ninety-five thousand nine hundred and sixteen Pounds, to complete the Sum necessary to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

24,433*l.* for Pensions, &c. to wounded Officers;

and any Sum or Sums of Money not exceeding Twenty-four thousand four hundred and thirty-three Pounds, to complete the Sum necessary to defray the Charge of Pensions and Allowances to Officers for Wounds, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

17,734*l.* for In-Pensioners of Chelsea and Kilmainham Hospitals;

and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and thirty-four Pounds, to complete the Sum necessary to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

595,380*l.* for Out-Pensioners of Chelsea Hospital, &c.;

and any Sum or Sums of Money not exceeding Five hundred ninety-five thousand three hundred and eighty Pounds, to complete the Sum necessary to defray the Charge of Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

73,903*l.* for Superannuation and Retired Allowances.

and any Sum or Sums of Money not exceeding Seventy-three thousand nine hundred and three Pounds, to complete the Sum necessary to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and sixty;

462,850*l.* for Disembodied Militia.

and any Sum or Sums of Money not exceeding Four hundred sixty-two thousand eight hundred and fifty Pounds, towards defraying the Charge of the Disembodied Militia of Great Britain and Ireland, which will come in course of Payment in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty.

XIII. Out

XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty thousand Pounds, to complete the Sum necessary to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and sixty.

There shall be issued 50,000*l.* for Civil Contingencies.

XIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six hundred fifty-seven thousand one hundred and fifty-five Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One million forty-nine thousand eight hundred and sixty-four Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One million five hundred fifty-one thousand two hundred and thirteen Pounds, to complete the Sum necessary to defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three hundred fifty-six thousand two hundred and twenty-one Pounds, to complete the Sum necessary to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other Non-effective Charges, in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and sixty.

There shall be issued 657,155*l.* for Customs Department;

1,049,864*l.* for Inland Revenue Department;

1,551,213*l.* for Post Office, &c.;

356,221*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office.

CIVIL SERVICES.—*Class* 1.

CIVIL SERVICES. *Class* 1.

XV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Forty-one thousand nine hundred and eighty-eight Pounds, to complete the Sum necessary for the Maintenance and Repair of the Royal Palaces to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eighty-two thousand seven hundred and forty Pounds, to complete the Sum necessary to defray the Expense of Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon,

There shall be issued 41,988*l.* for Repair of Royal Palaces;

82,740*l.* for Maintenance, &c. of Public Buildings, temporary Accommodation, &c.;

thereon, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to complete the Sum necessary to defray the Charge for the Supply and Repair of Furniture in the various Public Departments to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty-eight thousand five hundred and twenty-five Pounds, to defray the Charge for Works and Expenses at the New Houses of Parliament to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nineteen thousand one hundred and thirty Pounds, to complete the Sum necessary to provide Premises in London and the Country for the Probate Court and District Registries; and any Sum or Sums of Money not exceeding Five thousand three hundred and ninety Pounds, to defray the Expense of Maintenance and Repairs to Embassy Houses, &c. abroad to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand five hundred Pounds, to complete the Sum necessary towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Expense of enlarging and completing the new Consular Offices, &c., and the Prison at Constantinople; and any Sum or Sums of Money not exceeding Eighty thousand Pounds, on account of the Works at the New Packet Harbour and Harbour of Refuge at Holyhead, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty thousand four hundred and three Pounds, to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seventy thousand four hundred and twenty-one Pounds, to complete the Sum necessary to defray the Expense of erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seventy-eight thousand eight hundred and forty-seven Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith; and any Sum or Sums of Money not exceeding One hundred and seventy-four thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge to the Thirty-first Day of March One thousand eight hundred and sixty.

18,000*l.* for Furniture for Public Departments;

58,525*l.* for New Houses of Parliament;

19,130*l.* for Probate Courts and District Registries;

5,390*l.* for Embassy Houses, &c., abroad;

5,500*l.* for new Consular Offices and Prison at Constantinople;

80,000*l.* for Holyhead Harbour;

20,403*l.* for Port Patrick Harbour;

70,421*l.* for Public Buildings in the Department of Public Works in Ireland;

78,847*l.* for Royal Parks, &c.;

174,000*l.* for certain Harbours of Refuge.

CIVIL SERVICES.—*Class* 2.

CIVIL SERVICES. *Class* 2.

XVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Sixty-eight thousand nine hundred and fifty-nine Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty-four thousand six hundred Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Department of Her Majesty's Treasury to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seventeen thousand nine hundred and eleven Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty-two thousand eight hundred Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and Extra Couriers attached to that Department, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-one thousand one hundred and seventy-eight Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ten thousand five hundred and ninety-three Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty-three thousand nine hundred and forty-two Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Office of the Committee of Privy Council for Trade, including the Office of the Registrar of Merchant Seamen, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand seven hundred and twenty Pounds, to complete the Sum necessary to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand eight hundred and fifty-five Pounds, to complete the Sum necessary to defray the Expense of conducting the Business of the Civil Service Commission to

There shall be issued 68,959*l.* for Salaries, &c. of Houses of Parliament;

34,600*l.* for the Treasury;

17,911*l.* for the Home Department;

42,800*l.* for the Foreign Department;

21,178*l.* for Department of Colonies;

10,593*l.* for Privy Council;

33,942*l.* for Committee of Privy Council for Trade, &c.;

1,720*l.* for Lord Privy Seal, &c.;

3,855*l.* for Civil Service Commission;

to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen thousand seven hundred and sixty-two Pounds, to complete the Sum necessary to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand eight hundred and ninety-eight Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nineteen thousand seven hundred and forty-six Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Office of the Commissioners of Her Majesty's Works and Public Buildings to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen thousand five hundred and fourteen Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Office of Woods, Forests, and Land Revenues to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nine thousand four hundred and ninety-eight Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred twenty-three thousand three hundred and sixty-nine Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-five thousand and fifty-two Pounds, to complete the Sum necessary to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen thousand nine hundred and twenty-five Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c. to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand one hundred and seventy-nine Pounds, to complete the Sum necessary to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand four hundred and thirty-one Pounds, to complete the Sum necessary to defray the Charge of Salaries

13,762*l.* for Paymaster General's Department;

4,898*l.* for Department of Comp. Gen. of Exchequer;

19,746, for Office of Commissioners of Works and Public Buildings;

13,514*l.* for Office of Woods, Forests, &c.;

9,498*l.* for Public Records Department and State Paper Office;

223,369*l.* for Administration of Poor Laws;

25,052*l.* for the Mint;

13,925*l.* for Salaries, &c. of Inspectors of Factories, &c.;

3,179*l.* for Civil Charges, &c., Scotland;

4,431*l.* for Officers, &c. of Lord Lieutenant of Ireland;

Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand two hundred and four Pounds, to complete the Sum necessary to defray the Charge of the Department of the Paymaster of Civil Services in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand seven hundred and nine Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and five Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Board of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-two thousand four hundred and sixty-six Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of the Commissioners for auditing the Public Accounts to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twelve thousand six hundred and twenty-one Pounds, to complete the Sum necessary to defray the Expense of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eight thousand six hundred and eighty Pounds, to complete the Sum necessary to pay the Imprest Expenses under the Inclosure and Drainage Acts of the Copyhold, Inclosure, and Tithe Commission to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-six thousand three hundred Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of the General Register Office, England and Wales, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand two hundred and ninety-six Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of the General Register Office, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand three hundred and two Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department

15,904*l.* for Chief Secretary, &c., Ireland;

5,204*l.* for Paymaster of Civil Services, Ireland;

1,709*l.* for Inspectors of Lunatic Asylums, Ireland;

16,105*l.* for Board of Public Works, Ireland;

22,466*l.* for Department of Commissioners for auditing Public Accounts;

12,621*l.* for Copyhold, &c. Commission;

8,680*l.* for Imprest Expenses of Copyhold, &c. Commission;

26,300*l.* for General Register Office, England and Wales;

2,296*l.* for General Register Office, Dublin;

3,302*l.* for Department of Registrar General of Births &c., Edinburgh;

ment of the Registrar General of Births, &c., Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ten thousand six hundred and fifty-two Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the National Debt Office to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six hundred and seventy Pounds, to complete the Sum necessary to defray the Expenses of the Establishment under the West India Islands Relief Commissioners to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand six hundred and forty-two Pounds, to complete the Sum necessary to defray the contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seven hundred and twenty-three Pounds, to complete the Sum necessary to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand one hundred and twenty-eight Pounds, to complete the Sum necessary to pay the Salaries and Expenses in the Department of the Registrars of Friendly Societies in England, Scotland, and Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, to complete the Sum necessary to defray the Charge of Her Majesty's Foreign and other Secret Services to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred thirty-seven thousand one hundred and eleven Pounds, to complete the Sum necessary to defray the Expense of Stationery, Printing, and Binding for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seventy-six thousand seven hundred and fifty Pounds, to complete the Sum necessary to defray the Charge for Postage of Letters on the Public Service in the several Departments to the Thirty-first Day of March One thousand eight hundred and sixty.

10,652*l.* for National Debt Office;

1,300*l.* for Public Works Loan Commission;

670*l.* for West India Islands Relief Commission;

2,642*l.* for Lunacy Commission;

723*l.* for General Superintendent of County Roads in South Wales;

1,128*l.* for Registrars of Friendly Societies;

22,000*l.* for Foreign and other Secret Services;

237,111*l.* for Stationery, &c. for Public Departments;

76,750*l.* for Postage of Letters on the Public Service.

CIVIL SERVICES.—*Class* 3.

CIVIL SERVICES. *Class* 3.

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Thirty-one thousand five hundred and forty-five Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, also the Salary and Allowance of Counsel for advising the Treasury on Matters relating to the Slave Trade, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, the Expenses of Prosecutions at Assizes and Quarter Sessions, formerly paid out of County Rates, including Salaries in lieu of Fees to Clerks of Assize and other Officers under the Criminal Justice Act; and any Sum or Sums of Money not exceeding One hundred sixty-four thousand two hundred and seventy-five Pounds, to complete the Sum necessary to defray certain Charges connected with the Police in Counties and Boroughs in England and Wales, and for Police in Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand three hundred Pounds, to complete the Sum necessary to defray the Salaries and Expenses in the Department of the Registrar of the Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand one hundred and seventy-six Pounds, to defray the Salaries of the Commissioners and other Officers, and the Expenses of the Insolvent Debtors Court, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-two thousand seven hundred and forty Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Court of Probate and Divorce and Matrimonial Causes to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred twenty-six thousand one hundred and fifty Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the County Courts to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fourteen thousand one hundred and thirty Pounds, to complete the Sum necessary to defray the Expenses of the Police

There shall be issued 31,545*l.* for Office of Solicitor to the Treasury, including Prosecutions relating to Coin, &c.

150,000*l.* for Prosecutions at Assizes and Quarter Sessions;

164,275*l.* for Police in Counties and Boroughs in England and Wales, &c.;

1,500*l.* for Crown Office, Queen's Bench

4,300*l.* for Department of Registrar of the Admiralty.

5,176*l.* for Insolvent Debtors' Court;

22,740*l.* for Court of Probate, &c.

126,150*l.* for County Courts;

14,130*l.* for Police Courts of the Metropolis;

Police Courts of the Metropolis to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ninety thousand six hundred and ten Pounds, to complete the Sum necessary towards defraying the Expenses of the Metropolitan Police to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Queen's Prison to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand three hundred and forty-two Pounds, to complete the Sum necessary to defray the Salaries of the Lord Advocate and of the Solicitor General, Scotland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twelve thousand and seventy-five Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Court of Session in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six thousand eight hundred and eleven Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Court of Justiciary in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand five hundred and fifty Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six hundred and twenty Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the legal Branch of the Exchequer in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, the Charge of Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in Sheriff Courts in Scotland; and any Sum or Sums of Money not exceeding Seven thousand nine hundred and fifty-five Pounds, to complete the Sum necessary to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand one hundred and twenty Pounds, to complete the Sum necessary to defray the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Revenues of Customs and Excise to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand three hundred Pounds, to defray, to the Thirty-

90,610*l.* for Metropolitan Police;

2,500*l.* for Queen's Prison;

2,342*l.* for Lord Advocate and Solicitor General, Scotland;

12,075*l.* for Salaries, Court of Session, Scotland;

6,811*l.* for Court of Justiciary, Scotland;

5,550*l.* for Criminal Prosecutions by Lord Advocate;

620*l.* for certain Officers in the Exchequer in Scotland;

50,000*l.* for Criminal Prosecutions, &c. in Scotland;

7,955*l.* for Procurators Fiscal in Scotland;

5,120*l.* for Sheriffs' Clerks, Scotland;

2,300*l.* for Salaries of Law Officers in Scotland;

Thirty-first Day of March One thousand eight hundred and sixty, the Salary of the Solicitor of the Crown, and Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in maintaining Rights of the Crown in Civil Actions, &c. in Scotland; and any Sum or Sums of Money not exceeding Ten thousand eight hundred and forty-seven Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five hundred and forty-four Pounds, to complete the Sum necessary to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand and thirty-two Pounds, to complete the Sum necessary to defray the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty-one thousand six hundred and thirty Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand six hundred and seventy-one Pounds, to complete the Sum necessary to defray the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland formerly charged on the Consolidated Fund to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand four hundred and eight Pounds, to complete the Sum necessary to defray the Salaries of certain Officers and the incidental Expenses of the Court of Queen's Bench in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand two hundred and eleven Pounds, to complete the Sum necessary to defray the Salaries of certain Officers and the incidental Expenses of the Court of Common Pleas in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ten thousand three hundred and seventy Pounds, to complete the Sum necessary to defray the Salaries of certain Officers and the incidental Expenses of the Court of Exchequer in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Salary of the Clerk to the Taxing Officers for the Three Law Courts, Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand nine hundred and thirty-three Pounds, to complete

10,847*l.* for General Register House, Edinburgh;

544*l.* for Department of Commissary Clerk, Edinburgh;

1,032*l.* for Department of Accountant in Bankruptcy, Scotland;

51,630*l.* for Criminal Prosecutions, Ireland;

1,671*l.* for Court of Chancery, Ireland;

1,408*l.* for Court of Queen's Bench, Ireland;

1,211*l.* for Court of Common Pleas, Ireland;

10,370*l.* for Court of Exchequer, Ireland;

200*l.* for Clerk to Taxing Officers for Law Courts, Ireland;

3,933*l.* for Registrars to Judges, Ireland;

complete the Sum necessary to defray the Salaries of the Registrars to the Judges and of the Registrars of Nisi Prius in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand three hundred and sixty-eight Pounds, to complete the Sum necessary to defray certain Salaries and the incidental Expenses in the Office for the Registration of Judgments in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three hundred Pounds, for the Payment of Fees to Advocates appointed to act as Commissioners of the High Court of Delegates to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand two hundred and eighty-two Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, the Salaries of the Judges and Officers and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty; and any Sum or Sums of Money not exceeding Four thousand one hundred and five Pounds, to complete the Sum necessary to defray the Salaries of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand two hundred and eleven Pounds, to complete the Sum necessary to defray the Salaries of the Officers of the Landed Estates Court, Ireland, to the Thirty first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four hundred and fifty Pounds, for Remuneration to Revising Barristers in the City of Dublin to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Salary of the Clerk to the Court of Errors, and the incidental Expenses of the said Court and of the Court of Exchequer Chamber, in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand one hundred Pounds, to complete the Sum necessary to defray the Salaries of the Police Justices of Dublin Metropolis to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty-one thousand three hundred and seventy-eight Pounds, to complete the Sum necessary towards defraying the Expense of the Divisional Police Courts and the Metropolitan Police, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four hundred fifty thousand seven hundred and sixty-eight

1,368*l.* for Office for Registration of Judgments in Ireland;

300*l.* for Advocates acting as Commissioners of High Court of Delegates.

4,282*l.* for Salaries, &c. of Insolvent Debtors Court, Ireland;

4,105*l.* for Court of Probate, &c. Ireland;

4,211*l.* for Landed Estates Court, Ireland;

450*l.* for Revising Barristers, Dublin;

300*l.* for Salary of Clerk to Court of Errors, Ireland;

1,100*l.* for Salaries of Police Justices, Dublin;

31,378*l.* for Metropolitan Police, Dublin;

450,768*l.* for Constabulary Force, Ireland;

eight Pounds, to complete the Sum necessary to defray the Expense of the Constabulary Force in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand five hundred and ninety-seven Pounds, to complete the Sum necessary to defray the Expenses of the Four Courts, Marshalsea Prison, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen thousand and thirty-eight Pounds, to complete the Sum necessary to defray the Charge of Inspection and general Superintendence over all the Prisons in the United Kingdom to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two hundred fifty thousand one hundred and fifty-four Pounds, to complete the Sum necessary to defray the Charge of Government Prisons and Convict Establishments at home to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred seventy-seven thousand five hundred and forty-four Pounds, to complete the Sum necessary to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institutions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-five thousand one hundred and eleven Pounds, to complete the Sum necessary to defray Expenses connected with the Transportation of Convicts, &c. to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred fifty-nine thousand three hundred and ninety-nine Pounds, to complete the Sum necessary to defray the Expense of the Convict Establishments in the Colonies to the Thirty-first Day of March One thousand eight hundred and sixty.

1,597*l.* for Four Courts, Marshalsea, Dublin;

13,038*l.* for General Superintendence of Prisons, &c.;

250,154*l.* for Government Prisons and Convict Establishments at home;

177,544*l.* for Maintenance of Prisoners and Removal of Convicts;

25,111*l.* for Transportation of Convicts;

159,399*l.* for Convict Establishments in the Colonies

Civil Services.—*Class* 4.

Civil Services. *Class* 4.

XVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Five hundred eighty-six thousand nine hundred and twenty Pounds, to complete the Sum necessary to defray the Charge for Public Education in Great Britain to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Sixty-three thousand three hundred and ninety-four Pounds, to complete the Sum necessary to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c., to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred sixty-nine thousand four hundred and sixty-eight Pounds,

There shall be issued 586,920*l.* for Public Education, Great Britain;

63,394*l.* for Department of Science and Art, &c.;

169,468*l.* for Public Education, Ireland;

Pounds, to complete the Sum necessary to defray the Charge for Public Education in Ireland, under the Charge of the Commissioners of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six hundred and fifty-five Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand six hundred and fifty Pounds, towards defraying the Expenses of the University of London to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Seven thousand six hundred and fifty Pounds, to pay Grants to Scottish Universities, formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand two hundred and ninety-seven Pounds, to complete the Sum necessary to defray the Expenses of the Queen's University in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Royal Irish Academy to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to complete the Sum necessary to pay the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors of the Belfast Academical Institution, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty-seven thousand four hundred and twenty-five Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the British Museum Establishment to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twelve thousand two hundred and seventy Pounds, to complete the Sum necessary to defray the Expense of new Buildings and Fittings at the British Museum to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and eighty-five Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-nine Pounds, to defray

655*l.* for Secretary, &c. of Commissioners of Education, Ireland;

3,650*l.* for University of London;

7,650*l.* for Scottish Universities;

1,297*l.* for Queen's University, Ireland;

2,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

1,500*l.* for Theological Professors, Retired Allowances, &c. Belfast;

47,425*l.* for Salaries, &c. at British Museum;

12,270*l.* for new Buildings, &c. British Museum;

15,985*l.* for National Gallery;

6,439*l.* for Magnetic Observations abroad, &c.

defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, &c., to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, &c. to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Royal Society to carry on certain Experiments for public Objects in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty.

500*l.* for Royal Geographical Society;

1,000*l.* for Experiments by Royal Society.

CIVIL SERVICES.—*Class* 5.

CIVIL SERVICES *Class* 5.

XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand and fifty Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six thousand six hundred and twenty-eight Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand three hundred and forty-two Pounds, to defray the Charge of the Indian Department in Canada to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty-two thousand nine hundred and ninety-eight Pounds, towards defraying the Charge of British Columbia to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nineteen thousand three hundred and fifty Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ten thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments on the Western Coast of Africa to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six thousand five hundred and thirty-three Pounds, to defray

There shall be issued 4,050*l.* for Civil Establishment, Bermudas;

6,628*l.* for Ecclesiastical Establishments British North American Provinces;

2,342*l.* for Indian Department, Canada;

42,998*l.* for British Columbia;

24,728*l.* for Salaries of West Indian and Colonial Governors;

19,350*l.* for Stipendiary Justices in West Indies and Mauritius;

10,230*l.* for Civil Establishments, West Coast of Africa;

6,533*l.* for St. Helena;

defray Charges connected with the Island of Saint Helena to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge of Heligoland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand and sixty-seven Pounds, to complete the Sum necessary towards defraying the Charge of the Falkland Islands to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand two hundred and ninety-nine Pounds, to complete the Sum necessary towards defraying the Charge of Labuan to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twelve thousand seven hundred and eight Pounds, to defray the Charge of the Emigration Board, and of the Emigration Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, Expenses incurred for the Support of captured Negroes and liberated Africans and other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding Eleven thousand and fifty Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and sixty, the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding Seventy-six thousand four hundred and four Pounds, to complete the Sum necessary to defray the Expense of the Consular Establishments abroad to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Sixty-seven thousand three hundred and sixty-three Pounds, to defray the Expenses of the Establishments in China, Japan, and Siam to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to complete the Sum necessary for the extraordinary Disbursements of Her Majesty's Embassies and Missions abroad to the Thirty-first Day of March One thousand eight hundred and sixty.

960*l.* for Heligoland;

2,067*l.* for Falkland Islands;

4,299*l.* for Labuan;

12,708*l.* for Emigration Board and Officers;

13,000*l.* for Support of captured Negroes and liberated Africans;

11,050*l.* for Mixed Commissions for suppressing the Slave Trade;

76,404*l.* for Consular Establishments abroad;

67,363*l.* for Establishments in China, Japan, and Siam;

20,000*l.* for extraordinary Disbursements of Embassies and Missions abroad.

Civil Services. *Class* 6.

Civil Services.—*Class* 6.

There shall be issued 121,989*l.* for Superannuation Allowances, and Compensations, Public Service;

XX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred twenty-one thousand nine hundred and eighty-nine Pounds, to complete the Sum necessary to defray the Charge

Consolidated Fund (Appropriation).

Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand one hundred and seventy Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of March One thousand eight hundred and sixty, to Toulonese and Corsican Emigrants, St. Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute" to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand four hundred and twenty-eight Pounds, for Payment of the Subsistence of the Polish Refugees, and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Four thousand one hundred and seventy-six Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and sixty, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding One thousand seven hundred and seventeen Pounds, to complete the Sum necessary to pay, to the Thirty-first Day of March One thousand eight hundred and sixty, to the Treasurers of Public Infirmaries in Ireland the Allowances granted under certain Acts of Parliament; and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Expense of the Westmoreland Lock Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five hundred Pounds, to complete the Sum necessary towards defraying the Expense of the Rotunda Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred Pounds, to complete the Sum necessary towards defraying the Expense of the Coombe Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand six hundred Pounds, to complete the Sum necessary to defray the Expense of the Hospitals of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to complete the Sum necessary towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and

1,170*l.* for Toulonese and Corsican Emigrants, &c.;

325*l.* for the Refuge for the Destitute;

3,428*l.* for Polish Refugees, &c.;

4,176*l.* for Miscellaneous Allowances formerly defrayed from Civil List, &c.;

1,717*l.* for Treasurers of Public Infirmaries, Ireland;

2,600*l.* for Westmoreland Lock Hospital;

500*l.* for Rotunda Lying-in Hospital;

100*l.* for Coombe Lying-in Hospital;

5,600*l.* for Hospitals of House of Industry;

1,500*l.* for House of Recovery and Fever Hospital, Cork Street;

400*l.* for Meath Hospital;

50*l.* for St. Mark's Ophthalmic Hospital;

950*l.* for Dr. Steevens' Hospital;

165*l.* for Board of Superintendence of Hospitals, Dublin;

5,931*l.* for Charitable Allowances charged on Concordatum Fund, &c.;

29,193*l.* for Nonconforming, &c. Ministers in Ireland.

and any Sum or Sums of Money not exceeding Four hundred Pounds, to complete the Sum necessary towards defraying the Expense of the Meath Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty Pounds, to complete the Sum necessary towards defraying the Expense of St. Mark's Ophthalmic Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nine hundred and fifty Pounds, to complete the Sum necessary towards defraying the Expense of Doctor Steevens' Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred and sixty-five Pounds, to complete the Sum necessary to defray the Expenses of the Board of Superintendence of Hospitals in Dublin to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand nine hundred and thirty-one Pounds, to complete the Sum necessary to pay, to the Thirty-first Day of March One thousand eight hundred and sixty, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.; and any Sum or Sums of Money not exceeding Twenty-nine thousand one hundred and ninety-three Pounds, to complete the Sum necessary to defray the Expense of Non-conforming Seceding, and Protestant Dissenting Ministers in Ireland to the Thirty-first Day of March One thousand eight hundred and sixty.

Civil Services. *Class 7.*

There shall be issued 3,588*l.* for Ecclesiastical Commissioners;

11,695*l.* for Charity Commission;

3,965*l.* for Local Government Office;

23,914*l.* for sundry temporary Commissions;

Civil Services.—*Class 7.*

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand five hundred and eighty-eight Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eleven thousand six hundred and ninety-five Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Charity Commission for England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand nine hundred and sixty-five Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Office in London under the Local Government Act to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty-three thousand nine hundred and fourteen Pounds, to complete the Sum necessary

necessary to pay the Salaries and Expenses of sundry temporary Commissions to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twenty thousand and ninety-five Pounds, to complete the Sum necessary to defray the Fees, Salaries, Expenses, and Compensations payable under the Provisions of the Patent Law Amendment Act to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nine thousand two hundred and fifty-four Pounds, to complete the Sum necessary to pay the Salaries and Expenses of the Board of Fisheries in Scotland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand Pounds, to complete the Sum necessary to defray, to the Thirty-first Day of March One thousand eight hundred and sixty, the Charge on account of the Annuity to the Board of Manufactures in Scotland in discharge of Equivalents under the Treaty of Union; and any Sum or Sums of Money not exceeding Five thousand Pounds, on account of the Commissioners of Highland Roads and Bridges, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the Expense of the Commission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifty-eight thousand seven hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to complete the Sum necessary to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Charges on account of distressed British Seamen abroad; and any Sum or Sums of Money not exceeding Four thousand Pounds, to complete the Sum necessary to defray Expenses connected with Quarantine Arrangements to the Thirty first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty thousand Pounds, to complete the Sum necessary to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Fifteen thousand Pounds, to pay the Bounties on Slaves and the Tonnage Bounties on Slave Vessels captured to the Thirty-first Day of March One thousand

20,095*l.* for Fees, &c. under Patent Law Amendment Act;

9,254*l.* for Board of Fisheries, Scotland;

1,000*l.* for Annuity to Board of Manufacturers, Scotland;

5,000*l.* for Highland Roads and Bridges;

900*l.* for Publication of Ancient Laws of Ireland;

58,700*l.* for Pensions to Masters, &c. of Merchant Service;

15,000*l.* for distressed British Seamen abroad;

4,000*l.* for Quarantine Arrangements;

40,000*l.* for Dues payable under Treaties of Reciprocity;

15,000*l.* for Bounties on Slaves and Slave Vessels captured;

36,700*l.* for Lighthouses abroad;

sand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty-six thousand seven hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Expense of erecting and maintaining certain Lighthouses abroad;

1,000*l.* for Officers employed settling Orange River Territory;

and any Sum or Sums of Money not exceeding One thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Charge for Half Salary payable to the Officers lately employed in the Settlement of the Orange River Territory (Cape of Good Hope);

40,000*l.* for Improvement of Kaffirs, and Government of British Kaffraria;

and any Sum or Sums of Money not exceeding Forty thousand Pounds, for promoting the Improvement of the Kaffirs, and the Settlement and Government of British Kaffraria, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty;

59,215*l.* for Expenses on account of Treasury Chest;

and any Sum or Sums of Money not exceeding Fifty-nine thousand two hundred and fifteen Pounds, to complete the Sum necessary to defray Expenses on account of the Treasury Chest to the Thirty-first Day of March One thousand eight hundred and sixty;

30,000*l.* for Submarine Telegraph Companies;

and any Sum or Sums of Money not exceeding Thirty thousand Pounds, to fulfil the Engagements entered into by Her Majesty's Government with certain Submarine Telegraph Companies in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty;

12,000*l.* for Expedition to River Niger, &c.;

and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray the Cost of the Expedition to the Niger and other Rivers of Africa under the Charge of Dr. Baikie, including the Hire of a Steamer, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty;

7,949*l.* for Expedition to River Zambesi;

and any Sum or Sums of Money not exceeding Seven thousand nine hundred and forty-nine Pounds, to defray the Expense of the Expedition to the River Zambesi, in Africa, under Dr. Livingstone, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty;

4,700*l.* for Inspectors of Corn Returns;

and any Sum or Sums of Money not exceeding Four thousand seven hundred Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and sixty;

1,046*l.* for Registration of Joint Stock Companies;

and any Sum or Sums of Money not exceeding One thousand and forty-six Pounds, to complete the Sum necessary to defray the Salaries and Expenses of the Office for the Registration of Joint Stock Companies to the Thirty-first Day of March One thousand eight hundred and sixty;

703*l.* for Registration of Designs Office;

and any Sum or Sums of Money not exceeding Seven hundred and three Pounds, to complete the Sum necessary to defray the Charge of the Salaries and Expenses in the Registration of Designs Office to the Thirty-first Day of March One thousand eight hundred and sixty;

11,850*l.* for Revising Barristers;

and any Sum or Sums of Money not exceeding Eleven thousand eight hundred and fifty Pounds, to complete the Sum necessary to defray the Charge for the Remuneration to Revising Barristers

ristcrs in England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One thousand three hundred and thirty-two Pounds, to complete the Sum necessary to defray the Charge for the Constabulary Police at the Military Camps of Aldershott and Shorncliffe to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expense of the Inspection of Burial Grounds in England and Wales to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Formation, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, of the Gallery of Portraits of the most eminent Persons in British History; and any Sum or Sums of Money not exceeding Two thousand and fifty Pounds, to complete the Sum necessary for the Expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Two thousand one hundred and forty Pounds, to complete the Sum necessary for defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Cost of collecting Agricultural and Emigration Statistics in Ireland; and any Sum or Sums of Money not exceeding Twenty-three thousand Pounds, to enable the Commissioners of Public Works in Ireland, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, to purchase certain Ground and Houses required as a Site for a new Court or Courts of Law and Offices in extension of the Four Courts, Dublin, including Costs of Arbitration, incidental Expenses, &c.; and any Sum or Sums of Money not exceeding One thousand three hundred Pounds, to defray the Expense of the Pitcairn Islanders in Norfolk Island to the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eleven thousand four hundred and forty Pounds, towards the Erection, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, of a new Building to contain additional Accommodation for Public Offices in connexion with Her Majesty's General Register House, Edinburgh; and any Sum or Sums of Money not exceeding Two thousand Pounds, for the Purchase, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, of Sir George Hayter's historical Picture representing the moving the Address to the Crown in the House of Commons on opening the first reformed Parliament in One thousand eight hundred and thirty-three; and any Sum or Sums of Money not exceeding One thousand and sixty Pounds, for the Purchase, in the Year ending the

1,332 for Constabulary Police at Aldershott and Shorncliffe;

3,000*l.* for Inspection of Burial Grounds;

2,000*l.* for Gallery of Portraits;

2,050*l.* for defining Boundaries of Counties Ireland;

2,140*l.* for Agricultural and Emigration Statistics, Ireland;

23,000*l.* for Site for new Courts of Law, Four Courts, Dublin;

1,300*l.* for Pitcairn Islanders;

11,440*l.* for additional Accommodation for General RegisterHouse, Edinburgh,

2,000*l.* for Purchase of Sir G. Hayter's Picture;

1,060*l.* for Gun Metal for Statues, &c.;

the Thirty-first Day of March One thousand eight hundred and sixty, of old Gun Metal to be employed in the Construction of colossal Statues of the late Brigadier General Neill to be erected in the County of Ayr, and of the late Sir Henry Havelock to be erected in the Town of Sunderland, and for Gates, Medallions, &c. in the Monument to be erected at Chatham to the Memory of Officers and Men of the Royal Engineers who fell in the Crimean War; and any Sum or Sums of Money not exceeding Nine thousand nine hundred and eighty-eight Pounds, to defray the Expense of constructing, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, Seven Fire-proof Rooms adjoining the Sheepshanks Gallery at South Kensington, to receive the Vernon, Turner, and other Pictures belonging to the National Gallery, and of a separate Entrance thereto; and any Sum or Sums of Money not exceeding Five thousand Pounds as a Donation to W. H. Barber, in consideration of the Sufferings he has undergone and of his distressed Circumstances; and any Sum or Sums of Money not exceeding One thousand Pounds, for the Repair and Maintenance of Carisbrook Castle in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Six thousand Pounds, towards defraying the Expense of erecting improved Class Room Accommodation, new Library, and Professor's House at King's College, Aberdeen, including Repairs upon the existing Buildings, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Eleven thousand five hundred Pounds, for completing, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Embankment Wall in Thames Street, for removing the dilapidated Hundred Steps, and forming a new Approach to the North Terrace, Windsor Castle, from Thames Street; and any Sums or Sums of Money not exceeding Sixty thousand Pounds, towards defraying the Expense of erecting a new Bridge at Westminster in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Forty thousand Pounds, towards defraying the Cost of the Formation of the Western Approaches to the new Bridge at Westminster in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, for the Purchase of a Portion of the Site of the proposed Foreign Office in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Thirty thousand Pounds, towards defraying the Expense of erecting a new Office for the Secretary of State for Foreign Affairs in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and

9,988*l.* for new Rooms, South Kensington Museum;

5,000*l.* for W. H. Barber;

1,000*l.* for repair of Carisbrook Castle;

6,000*l.* for Improvements at King's College, Aberdeen;

11,500*l.* for Improvements at Windsor;

60,000*l.* for new Westminster Bridge;

40,000*l.* for approaches to Westminster Bridge;

100,000*l.* for Site for new Foreign Office;

30,000*l.* for new Foreign Office;

and any Sum or Sums of Money not exceeding One thousand six hundred and fifty Pounds, for the Erection of a Pedestal for Baron Marochetti's Statue of Richard Cœur De Lion in Old Palace Yard in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Five thousand six hundred and forty-one Pounds, to discharge Accounts of the Architect and Surveyor to the Commissioners of Her Majesty's Works and Buildings for professional Services rendered by him from Time to Time in reference to Undertakings contemplated by the Commissioners, but not carried out, and for which no Funds were provided; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, for cleansing the Serpentine River, Hyde Park, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, for the Purpose of restoring, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, the Crinan Canal, which was destroyed by the Failure of One of the Embankments, caused by the tempestuous Weather in January and February One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and thirty-five thousand Pounds, towards defraying the Expense of constructing a Submarine Cable for Telegraphic Communication between England and Gibraltar, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to provide, in the Year ending the Thirty-first Day of March One thousand eight hundred and sixty, for the Expenses of a Coinage of Copper mixed with other Metal, in substitution of the existing Copper Coinage, including the Cost of the Metal.

1,650*l.* for Pedestal for a Statue;

5,641*l.* for Architect, &c. to Office of Works;

17,000*l.* for cleansing the Serpentine;

12,000*l.* for Crinan Canal;

135,000*l.* for Submarine Telegraph to Gibraltar;

10,000*l.* for Coinage of Mixed Metal;

XXII. So much of the Act Twenty-second Victoria, Chapter Twenty-three, as limits or restricts the Issue or Application of the several Sums granted to Her Majesty to Services voted in that Session of Parliament shall be and the same is hereby repealed; and the Sums granted by the said Act and those granted by this Act shall and may be issued and applied generally to any Use, Intent, or Purpose mentioned in or to defray any Payment directed to be satisfied by this Act, or by the Act of the last Session of Parliament, Chapter Twenty-three, anything in the said recited Act or in this Act to the contrary thereof in anywise notwithstanding.

Repeal of Part of 22 Vict. c. 23. Sums granted to be applied as directed by this or recited Act.

XXIII. The respective Departments charged with the detailed Application of the Sums granted by this Act and by the Act of the last Session, Chapter Twenty-three, for Navy and Army Services, shall confine the Expenditure of their respective Departments within the particular

Expenditure for Navy and Army Services respectively to be confined to the separate Services for which granted

particular Amounts appropriated to each of the separate Services comprised in the Sums of Six million four hundred sixty-eight thousand and three Pounds granted by this Act, and of Six million three hundred eleven thousand seven hundred and twenty-three Pounds granted by the Act of last Session, Chapter Twenty-three, for Naval Services; and in the Sums of One million ninety-nine thousand four hundred and twelve Pounds granted by this Act, and of Three million eight hundred sixty-two thousand five hundred and forty-six Pounds granted by the Act of last Session, Chapter Twenty-three, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing and Necessaries, Provisions, Forage, Fuel, and Light, Barrack Furniture, Bedding, &c., and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad; and in the Sums of Two million two thousand one hundred and eighty Pounds granted by this Act, and of Six million three hundred fifty-eight thousand and nine Pounds granted by the Act of last Session, Chapter Twenty-three, for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this Act or by the Act of the last Session, Chapter Twenty-three, for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Twelve million seven hundred seventy-nine thousand seven hundred and twenty-six Pounds granted by this Act and by the Act of last Session, Chapter Twenty-three, for Naval Services, or the aggregate Sum of Thirteen million three hundred twenty-two thousand one hundred and forty-seven Pounds for the respective Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons with the Navy and Army Estimates for each Year a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid, during the Year ended on the Thirty-first Day of December of the preceding Year, together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXIV. And

Rules to be observed in the Application of the Sums appropriating Half Pay.

XXIV. And as to the Sums of One hundred sixty-three thousand two hundred and sixty-nine Pounds, being the Proportion of the Sum of Two hundred sixty-five thousand seven hundred and two Pounds by this Act, and of Two hundred thousand Pounds being the Proportion of the Sum of Two hundred and forty thousand Pounds by the Act of last Session, Chapter Twenty-three, appropriated to the Pay of Reduced and Retired Officers, which are applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold

any

any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of December One thousand eight hundred and fifty-nine, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and sixty it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the Sitting of Parliament after the First Day of April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXV. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXVI. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Widows, &c. claiming Pensions to make required Declaration.

XXVII. And as to the Sum of Ninety-five thousand nine hundred and sixteen Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W. 4. c. 62.

XXVIII. Any such Declaration as well as all Declarations for other Army and Navy non-effective Services shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, resident Parish Minister, or other Person now by Law authorized to administer or receive such Declarations, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of His late Majesty for the Abolition of unnecessary Oaths.

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chequer duly authorized, within Five Years before the Time when it is so used; and no Model or Copy of any of the Imperial Standards of Measures shall be deemed legal or used for the Purposes aforesaid unless it have been compared or re-verified as aforesaid within Ten Years before the Time when it is so used, or, in any County containing more than One District for the Inspection of Weights and Measures, unless such Model or Copy have been compared by the Inspector of Weights and Measures in the District in which it is used, in the Presence of One Justice of the County, with a Model or Copy of the Imperial Standard of Weight duly compared and verified at the Exchequer within Five Years of its being so used, and found on such Comparison by such Inspector to be correct, or with a Model or Copy of the Imperial Standard of Measure duly compared and verified at the Exchequer within Ten Years of its being so used, and found on such Comparison by such Inspector to be correct; and the Expenses incurred in and about such Comparison or Re-verification of any such Model or Copy of any Imperial Standard of Weight or Measure shall in all Cases be paid in the same Manner and out of the same Funds as is provided for the procuring of such Models and Copies.

Penalty for making and selling false Beams and Scales or Weights and Measures.

II. No Person shall wilfully or knowingly make or sell, or cause to be made or sold, any false or unjust Beam, Scale, or Balance, or any light or unjust Weight or Measure; and every Person who shall commit any such Offence shall upon being convicted thereof forfeit and pay any Sum not exceeding Ten Pounds as shall be adjudged by the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place.

Power to Inspectors to inspect Beams, Scales, &c. in possession of Persons selling in the public Streets.

III. It shall be lawful for every Inspector of Weights and Measures, or other Person or Persons duly appointed to inspect Weights and Measures, at all reasonable Times to inspect all Beams, Scales, and Balances, and Weights and Measures, in the Possession of any Person selling, offering, or exposing for Sale any Goods on any open Ground, or in any public Street, Lane, Thoroughfare, or other open Place; and if upon such Inspection or Examination any such Beams, Scales, or Balances, or Weights or Measures, shall be found light or unjust, or otherwise contrary to the Provisions of this Act or the herein-before recited Act, or if any Fraud be wilfully committed in the using thereof, the same shall be liable to be seized and forfeited, and the Person or Persons using or having in his or her Possession any such false or unjust Beams, Scales, or Balances, or light or unjust Weights or Measures, shall be liable to any Penalty not exceeding Five Pounds.

IV. And

Weights and Measures Act Amendment.

IV. And whereas Doubts have arisen as to the Authority by or under which Inspectors and Examiners of Weights and Measures in certain Municipal Boroughs have been heretofore authorized and appointed: Be it therefore enacted, That the Town Councils of all Municipal Boroughs in *England* and *Wales* incorporated under the Provisions of the Statute passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or any Act for the Amendment thereof, to which a separate Court of Quarter Sessions has been granted, shall have respectively, and they are hereby authorized and empowered henceforth to use and exercise, solely within their respective Boroughs, all and every the Powers and Authorities concerning Weights and Measures, and the providing of Copies of the Imperial Standard Weights and Measures verified and stamped at the Exchequer, and the Inspection, Examination, and Seizure of all unjust Weights and Measures, and the Appointment and Authorization of such Inspectors and Examiners, as are by Law now vested in, used and exercised by, any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* and *Wales*, within the Limits of their Commission, under or by virtue of the Statute passed in the Fifth and Sixth Years of the Reign of His said late Majesty, intituled *An Act to repeal an Act of the Fifth and Sixth Years of His present Majesty, relating to Weights and Measures, and to make other Provisions instead thereof*, or under or by virtue of any other Law or Statute whatsoever; and that such Inspectors and Examiners so appointed by such Town Councils as aforesaid, and duly authorized by Warrant or other Authority in Writing under the Hand of the Mayor of any such Borough for the Time being, and under the Corporate Common Seal of any such Town Council as aforesaid, shall have, possess, and exercise the same or the like Powers of entering Shops, Stores, Warehouses, Manufactories, Stalls, Yards, and Places, within any such Borough, and of examining, comparing, trying, and seizing any such Weights or Measures, as are now had, possessed, or exercised by any Inspectors or Examiners authorized or appointed in Counties by such Justices as aforesaid, under or by virtue of the Statute lastly herein-before referred to, or under or by virtue of any Law or Statute whatsoever; and all the penal and other Provisions of such Statute or of any such Statutes, so far as they are not repugnant to or inconsistent with this Enactment, shall apply to all such Boroughs, Town Councils, Inspectors, and Examiners respectively, and to all Weights and Measures used or to be used in such Boroughs respectively, and to the Examination, Comparison, Trial, and Seizure thereof; and every such Council shall and lawfully may pay from Time to Time to such Inspectors and Examiners so appointed by them

Municipal Corporations to appoint Inspectors of Weights and Measures.

them respectively, out of the Borough Funds or Borough Rates of such Boroughs respectively, such Salaries, Wages, or Allowances as each such Council respectively shall deem reasonable, and also out of the same Funds or Rates shall pay and defray all Costs incidental to the providing of the said Copies of the Imperial Standard Weights and Measures, and of carrying out the said last-mentioned Act and this Act within such Boroughs; and all Fees, Penalties, and Monies which but for this Act would have been payable to the County Stock or Fund shall be paid into and go in aid of the Borough Fund of such Borough: On the Exercise of any of such Powers by the Town Council of any such Municipal Borough, and on written Notice under the Corporate Common Seal of such Borough being given of the Exercise of any of such Powers to the Clerk of the Peace of the County, Riding, or Division in which such Borough shall be situate, and after the Expiration of One Calendar Month from the Day on which such Notice shall be given or left at the Office of the said Clerk of the Peace, all the Powers and Authorities of all Inspectors or Examiners appointed by the Justices of the Peace at their General Quarter Sessions of the Peace for such County, Riding, or Division shall, as to such Borough, and all Weights and Measures therein, cease and be absolutely at an End.

Inspectors authorized to stamp Measures although made partly of Glass, &c.

V. And whereas since the passing of the said Act Measures for Liquids have been constructed with a small Window or transparent Part through which the Contents, whether to the Brim or to any other Index thereof, may be seen without Impediment, and the Use of such Measures by Publicans and others in the Retail of Malt Liquors and Spirits and other exciseable Liquids would be attended with Advantage both to the Purchaser and Seller: Be it therefore further enacted, That Measures for such Liquids which shall correspond in Capacity with the Standards, or Parts or Multiples thereof, respectively deposited in the Exchequer, although such Measures may be made partly of Copper or other Metal and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding: That Measures for such Liquids, the Capacity of which shall exceed the Standard or Parts or Multiples of the respective Imperial Standard Measures deposited in the Court of Exchequer, but which shall have the Capacity of such Standards or Parts or Multiples thereof respectively indicated by a level Line drawn through the Centre of the Window or transparent Part, although such Measures may be made partly of Copper or other Metal and partly of Glass or other transparent Medium, may be examined, compared, and stamped by all Inspectors of Weights and Measures, anything in the said recited Act to the contrary notwithstanding.

VI. If

VI. It shall be lawful for the Owners or Managers of any public Market where Goods are exposed or kept for Sale, and they are hereby required, to provide proper Beams, Scales, and Balances, and Weights and Measures, or other Machines, for the Purpose of weighing or measuring all Goods sold, offered, or exposed for Sale in any such Market, and to deposit the same at the Office of the Clerk or Toll Collector of such Market, or some other convenient Place, and to have the Accuracy of all such Beams, Scales, and Balances, and Weights and Measures, or other Machines, tested at least Twice in every Year by the Inspector of Weights and Measures of and for the County or District where any such Market is situate; and all Expenses attending the Purchase thereof, and for adjusting and testing the same, shall be paid out of the Monies collected for Tolls in any such Market; and such Clerk or Toll Collector shall at all reasonable Times, whenever called upon so to do, weigh or measure all Goods which shall have been sold, offered, or exposed for Sale in any such Market, upon Payment of such reasonable Sum or Sums of Money as shall from Time to Time be decided upon by the said Owners or Managers, subject to the Approval and Revision of the Justices in General or Quarter Session assembled if such Market be in *England*, or of the Sheriff if it be in *Scotland*.

Owners of Markets to provide Beams, Scales, &c.

VII. It shall be lawful for every Clerk or Toll Collector of any public Market, at all reasonable Times, to weigh or measure all Goods sold, offered, or exposed for Sale in any such Market; and if upon such weighing or measuring any such Goods shall be found deficient in Weight or Measure, or otherwise contrary to the Provisions of this Act or the herein-before recited Act, every such Clerk or Toll Collector is hereby authorized and required to summon the Person selling, offering, or exposing for Sale, or causing to be sold, offered, or exposed for Sale, any such Goods before any Justice, Sheriff, or Magistrate having Jurisdiction in the County or District where any such Market is situate; and every such Justice, Sheriff, or Magistrate shall, upon Proof thereof, convict the Offender or Offenders in the respective Penalties by this Act or the said recited Act imposed, and shall from Time to Time award to any such Clerk or Toll Collector such reasonable Remuneration (to be paid out of the said Penalties) as to him shall seem fit.

Power to Clerks of Markets to inspect Goods sold, &c., and if Weighing found deficient to summon the Offender.

VIII. For every Offence against or Disobedience to the Provisions of this Act or the herein-before recited Act for which no special Penalty is provided, the Offender shall, at the Discretion of the Justice, Sheriff, or Magistrate before whom any such Conviction shall take place, be liable to any Penalty not exceeding Five Pounds, as shall be adjudged by such Justice, Sheriff, or Magistrate.

Penalties.

Act how to be construed.

IX. This Act shall be construed and taken together with the said recited Act of the Fifth and Sixth Years of the Reign of King *William* the Fourth, so far as the Provisions of the same are consistent herewith: Provided always, that nothing herein contained shall be construed or taken to apply to any Action or Proceeding now pending or which may be commenced previous to this Act coming into operation.

Not to abridge the Power of the Leet Jury, &c.

X. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to supersede, limit, take away, lessen, or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, or any Jury or Ward Inquest may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures or Goods, deficient in Weight or Measure, within their respective Jurisdictions, and presenting the same at the Court Leet, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

Powers of Universities to remain in force.

XI. The Powers heretofore lawfully belonging to the Universities of *Oxford* and *Cambridge* respectively shall continue in full Force anything in this Act contained notwithstanding.

Extent of Act.

XII. This Act shall not extend to *Ireland*.

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charge the same, or shall have made or caused to be made any Gift, Delivery, or Transfer of any Property, or shall have charged, removed, or concealed the same with Intent to defraud his Creditors or any of them, or has then or has had since the Judgment obtained against him sufficient Means and Ability to pay the Debt or Damages or Costs so recovered against him, either altogether, or by any Instalment or Instalments which the Court in which the Judgment was obtained shall have ordered, and shall have refused or neglected to pay the same.

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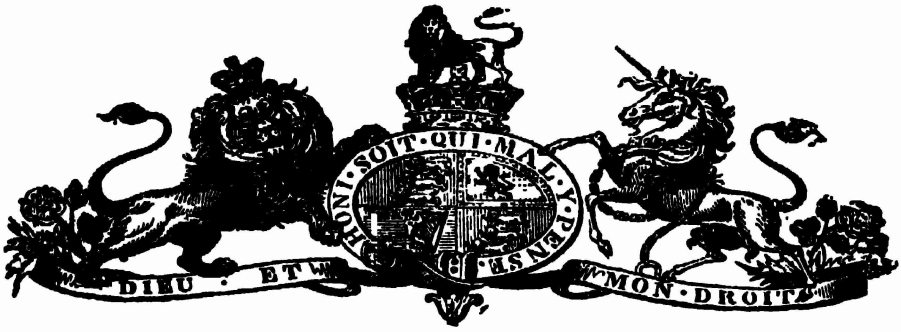

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specified in the Second Schedule thereto, together with certain other Powers in the said Act now in recital mentioned or referred to, were thereby either expressly or by reference to a certain other Act therein cited given to the said Commissioners of Her Majesty's Works and Public Buildings, and certain other Provisions, Directions, and Enactments in aid of the Objects and Purposes of the Act now in recital were therein expressly or by reference to other Acts contained and enacted: And whereas the said intended new Bridge is now in course of Construction, and it would be of great public Utility if the Western Approach to the said new Bridge was widened and improved: And whereas a Map or Plan describing the Hereditaments to be acquired by the said Commissioners under the Authority of this Act has been prepared under the Direction of the Commissioners: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners constituted a Corporation for the Purposes of this Act.

I. That for the Purposes of this Act, and of all Matters and Things hereby authorized to be done under the Authority of this Act, the Commissioners of Her Majesty's Works and Public Buildings for the Time being shall be and they are hereby constituted a Corporation, by the Name and Style of "The Commissioners of Her Majesty's Works and Public Buildings," in order to enable them to carry into effect and execute the several Objects, Powers, and Purposes of this Act, and by that Name, and for the Purposes of this Act, they shall have perpetual Succession, and use a Common Seal, which may be by them from Time to Time altered as they shall think fit, and shall and may sue and be sued, implead and be impleaded, and take Land and Hereditaments to them and their Successors for ever for the Purposes of this Act.

Plan to be deposited in the Office of Works, &c., and be open for Inspection.

II. The said Map or Plan describing the Hereditaments to be acquired by the Commissioners under the Authority of this Act shall be deposited at the Office of the Commissioners of Her Majesty's Works and Public Buildings, and shall remain at the said Office, to the end that all Persons may, at all seasonable Times, have Liberty to inspect and peruse the same at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

Powers and Provisions of 16 & 17 Vict. c. 46. extended to this Act.

III. All the Powers by the said *Westminster* Bridge Act, 1853, either expressly or by reference to the Acts therein cited, or either of them, given to the said Commissioners of Her Majesty's Works and Public Buildings with regard to the Hereditaments specified in the Second

Second Schedule to the said *Westminster* Bridge Act, 1853, shall be given to and are hereby vested in the said Commissioners of Her Majesty's Works and Public Buildings with regard to the Hereditaments specified in the Schedule hereto, and all the Provisions, Directions, and Enactments in the said *Westminster* Bridge Act, 1853, either expressly or by reference to the other Acts therein cited, or either of them, contained (except as herein otherwise specially provided for) shall be construed in all respects as if the Hereditaments specified in the Schedule hereto had been specified in the Second Schedule to the said *Westminster* Bridge Act, 1853: Provided always, that nothing herein contained or referred to shall authorize the said Commissioners of Her Majesty's Works and Public Buildings to exercise any compulsory Powers for taking any of the Hereditaments specified in the Schedule hereto beyond the Period of Five Years from the passing of this Act, but during such Period such Powers shall continue in force.

Price paid for Hereditaments, and Costs incident to such Purchases, &c., to be paid out of Monies provided by Parliament.

IV. The Price or Consideration which may be payable by the said Commissioners for any of the Hereditaments to be purchased or acquired by them under the Authority or for the Purposes of this Act, and also the Costs and Expenses incident to such Purchases, or which may be incurred by them in widening and improving the Approaches to the said New Bridge, shall be paid and defrayed out of such Monies as Parliament may provide and place at the Disposal of the said Commissioners for those Purposes.

Costs, and such Sum as Jury may find, to be paid to Person obtaining Judgment in lieu of Premises.

V. If any Proceedings shall be taken for the Recovery of the Possession of any Hereditaments purchased or taken for the Purposes of this Act, or of the said *Westminster* Bridge Act, 1853, then within Two Months after any Judgment shall be obtained by any Person for the Recovery of the Possession of any such Premises there shall be paid or tendered to any Person so obtaining such Judgment, in lieu of such Premises, his Costs on any Proceeding for the obtaining such Judgment, together with such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Premises at the Time when the same were conveyed for the Purposes of this Act, or the said *Westminster* Bridge Act, 1853, as the Case may be, or when Possession thereof was taken as aforesaid, and the Jury who shall try any Proceeding brought for the Recovery of the Possession of any Premises as aforesaid shall at the same Time ascertain the Value of such Premises at the Time when they were conveyed for the Purposes of this Act, or the said *Westminster* Bridge Act, 1853, or when Possession was taken thereof, and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person

Person seeking to recover Possession of the same Premises; and such Value shall be the Amount to be paid in lieu of the said Premises, and the same shall be paid by the Commissioners out of Monies in their Hands applicable for the Purposes of this Act or the said last-mentioned Act, as the Case may be, and the said Hereditaments, the Possession whereof was so sought to be recovered, shall remain vested in the Commissioners and their Successors for the Purposes of this Act, or the said last-mentioned Act, as the Case may be, such Amount or Value being taken and accepted in lieu thereof.

Deeds to be enrolled in the Court of Exchequer.

VI. Every Conveyance, Assignment, or other Deed or Instrument whereby any of the Land by this Act or by "The *Westminster* Bridge Act, 1853," authorized to be purchased, shall be conveyed or assigned to the Commissioners of Her Majesty's Works and Public Buildings for the Purposes of this Act, shall be enrolled amongst the Records of Her Majesty's Court of Exchequer, and entered in the Books of the said Commissioners; and every such Conveyance, Assignment, or other Deed or Instrument when so enrolled shall, without any other Enrolment or Acknowledgment thereof, and without any Registry thereof, be as good and available in the Law, and of the like Force and Effect in all respects, and to all Intents and Purposes, as if the same or a Memorial thereof had been registered in the Office appointed for Registering Deeds and other Conveyances of Land and Tenements in the County of Middlesex, any Act of Parliament, Law, Practice, or Usage to the contrary in anywise notwithstanding.

Short Title.

VII. It shall be sufficient for all Purposes to cite this Act as "The *Westminster* Bridge Act, 1859."

The

The SCHEDULE referred to in the foregoing Act.

Westminster New Bridge (Western Approach).

Parish of St. Margaret, Westminster, in the County of Middlesex.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Parliament Street.			
1	32	Dwelling House, part of Fendall's Hotel.	Sir Charles Montolieu Lamb, Archibald Lamb, The Earl of Eglington, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour -	Charles Brumfit -	Charles Brumfit.
2	33	Dwelling House and Shop		Edward Milns -	Edward Milns.
		Bridge Street.			
3	14	Dwelling House; other part of Fendall's Hotel.	- - -	Charles Brumfit -	Charles Brumfit.
4	15	Dwelling House and Shop; the Exchequer Cigar Divan.	Sir Charles Montolieu Lamb, Archibald Lamb, The Earl of Eglinton, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour.	Charles Ritchie, Charles Brumfit.	Charles Brumfit.
5	16	Dwelling House and Shop		William Henry Pope Rowe - -	William Henry Pope Rowe.
6	17	Dwelling House; Part of the King's Arms Hotel.		- - -	Robert Gadsden. Charles Gibbons.
7	18	Dwelling House and Shop		Morris Despland Roux. -	Morris Despland Roux.
8	19	Dwelling House and Shop	- - -	William Fry -	William Fry.
9	20	Dwelling House and Shop	- - -	Henry Lucas -	Henry Lucas.
10	21	Dwelling House; The Horseshoe and Magpie, P.H.	John Lettsom Elliot; James Watney.	- - -	William Painter.
11	22	Dwelling House and Shop	William Aldwin Soames.	William Painter.	William Painter.
12	23	Dwelling House and Shop	Jacob Cole -	- - -	Jacob Cole, Henry Thomas Cole.
13	24	Dwelling House and Shop	William Aldwin Soames.	William Darke -	John Fill, Lazarus Leopard.
14	25	Dwelling House and Shop	Susan Newman -	William Darke -	Lazarus Leopard, Samuel James John Hind, Secretary for the Schoolmasters and General Mutual Assurance Society, Samuel James John Hind.
15	26	Dwelling House and Shop	Sir Archer Denman Croft, Bt., Charles Lane, Trustees of the Will of Mrs. Martha Henshaw, deceased.	William Wybroo -	William Wybroo.

Westminster New Bridge.

No. on Plan.	No. in Street.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		Bridge Street—continued.			
16	27	Dwelling House and Shop	William Aldwin Soames.	Edmund David Fitzgerald, Maria Fitzgerald.	Edmund David Fitzgerald, Maria Fitzgerald.
17	28	Dwelling House; the Oliver's Coffee House.	The Trustees of the Charity Estate of the Parish of St. Sepulchre, in the City of London, called "Newcastle Gift."	John Denton -	John Denton.
		New Palace Yard.			
18	1	Dwelling House, other Part of Fendall's Hotel.	Sir Charles Montolieu Lamb, Archibald Lamb, The Earl of Eglinton, Sir Frederick Leopold Arthur, Bart., Henry Danby Seymour.	Charles Brumfit -	Charles Brumfit.
19	2 & 3	Dwelling House; other Part of the King's Arms Hotel.		- - -	Charles Gibbons.
20	4	Dwelling House and Offices.		William Bryden -	William Bryden, James Noel Hooke Robinson.
21	5	Dwelling House and Offices.		John Baldry Redman.	John Baldry Redman.
22	6	Dwelling House - -		Hester Bray Corbyn	Hester Bray Corbyn.
23	7	Dwelling House and Offices.	The Trustees of the Charity Estate of the Parish of Saint Sepulchre, in the City of London, called "Newcastle Gift."	Thomas Knox Holmes, James Anton, Walter Turnbull.	James Parker Deane, Sir John Dorney Harding, Charles Morris Merttins Swabey, Thomas Spinks.
24	8	Dwelling House and Offices	William Aldwin Soames.	Alexander Woodlands Makinson.	Alexander Woodlands Makinson, Edward Woods.
25	9	Dwelling House and Offices	William Aldwin Soames	Adam Clarke Hook, Charles Ritchie, Edward Bernard Neill.	Edward Bernard Neill.
26	10	Dwelling House and Offices	John Taylor, Eliza Gibbons, Robert Gibbons.	Theodore Martin -	Theodore Martin.
27	11	Dwelling House and Offices	Catharine Haggitt	Samuel Cook Frankish, Robert Galland.	Samuel Cook Frankish, Robert Galland.
28	"	Public Street or Way -	The Board of Works for the Westminster District.	- - -	The Board of Works for the Westminster District, the Chartered Gas Light Company, the Chelsea Waterworks Company, the Public.
29	"	Public Street or Way -	The Commissioners of Her Majesty's Works and Public Buildings.	- - -	The Commissioners of Her Majesty's Works and Public Buildings, the Chartered Gas Light Company, the Chelsea Waterworks Company, the Public.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

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CAP. LIX.

An Act to enable Railway Companies to settle their Differences with other Companies by Arbitration.

[13th *August* 1859.]

FOR the better providing for the Settlement by Arbitration of Matters in which Railway Companies in the United Kingdom are mutually interested, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. "Railway Companies."

I. This Act may for all Purposes be cited as "Railway Companies Arbitration Act, 1859;" and the Expression "Railway Companies" in this Act extends to and includes all Persons being the Owners or Lessees of, and all Contractors working any Railway upon which Steam Power is used.

Power for Railway Companies to refer Matters to Arbitration.

II. Any Two or more Railway Companies, whether already or hereafter incorporated (in this Act called "the Companies"), from Time to Time, by Writing under their respective Common Seals, may agree to refer and may refer to Arbitration, in accordance with this Act, any then existing or future Differences, Questions, or other

 Matters

Matters whatsoever in which they then are or thereafter shall be mutually interested, and which they might lawfully settle or dispose of by Agreement between themselves, and may delegate to the Person or Persons to whom the Reference is made any Power to determine all or any of the Terms of any Contract to be made between the Companies which the Directors of the Companies respectively might lawfully delegate to any Committees of themselves respectively.

Power to alter or revoke Agreements for Reference.

III. The Companies jointly, but not otherwise, from Time to Time, by Writing under their respective Common Seals, may add to, alter, or revoke any Agreement for Reference in accordance with this Act theretofore entered into between the Companies, or any of the Terms, Conditions, or Stipulations thereof.

Agreements to be carried into effect.

IV. Every Reference or Agreement in accordance with this Act, except so far as it is from Time to Time revoked or modified in accordance with this Act, shall bind the Companies, and may and shall be carried into full Effect.

Reference to a single Arbitrator.

V. Where the Companies agree, the Reference shall be made to a single Arbitrator.

Reference to Two or more Arbitrators.

VI. Except where the Companies agree that the Reference shall be made to a single Arbitrator, the Reference shall be made as follows; to wit,

Where there are Two Companies the Reference shall be made to Two Arbitrators:

Where there are Three or more Companies the Reference shall be made to so many Arbitrators as there are Companies.

Appointment of Arbitrators by Companies.

VII. Where there are to be Two or more Arbitrators, every Company shall by Writing under their Common Seal appoint One of the Arbitrators, and shall give Notice in Writing thereof to the other Company or Companies.

Appointment of Arbitrators by Board of Trade.

VIII. Where there are to be Two or more Arbitrators, if any of the Companies fail to appoint an Arbitrator within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade, instead of the Company so failing to appoint an Arbitrator, may appoint an Arbitrator; and the Arbitrator so appointed shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Com-

IX. When the Reference is made to Two or more Arbitrators, if before the Matters referred to them are determined any Arbitrator dies, or becomes incapable or unfit, or for Seven consecutive Days fails to

to act as Arbitrator, the Company by which he was appointed shall by Writing under their Common Seal appoint an Arbitrator in his Place.

panies to supply Vacancies.

X. Where the Company by which an Arbitrator ought to be appointed in the Place of the Arbitrator so deceased, incapable, unfit, or failing to act, fail to make the Appointment within Fourteen Days after being thereunto requested in Writing by the other Company, or by the other Companies or any of them, then, on the Application of the Companies or any of them, the Board of Trade may appoint an Arbitrator; and the Arbitrator so appointed by the Board of Trade shall for the Purposes of this Act be deemed to be appointed by the Company so failing.

Appointment of Arbitrators by Board of of Trade to supply Vacancies.

XI. When any Appointment of an Arbitrator is made, the Company making the Appointment shall have no Power to revoke the Appointment, without the previous Consent in Writing of the other Company, or every other Company in Writing under their Common Seal.

Appointment of Arbitrator not revocable.

XII. Where Two or more Arbitrators are appointed, they shall, before entering on the Business of the Reference, appoint by Writing under their Hands an impartial and qualified Person to be their Umpire.

Appointment of Umpire by Arbitrators.

XIII. If the Arbitrators do not appoint an Umpire within Seven Days after the Reference is made to the Arbitrators, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators.

Appointment of Umpire by Board of Trade.

XIV. Where Two or more Arbitrators are appointed, if before the Matters referred to them are determined their Umpire dies, or becomes incapable or unfit, or for Seven consecutive Days fails to act as Umpire, the Arbitrators shall by Writing under their Hands appoint an impartial and qualified Person to be their Umpire in his Place.

Appointment of Umpire by Arbitrators to supply Vacancy.

XV. If the Arbitrators fail to appoint an Umpire within Seven Days after Notice in Writing to them of the Decease, Incapacity, Unfitness, or Failure to act of their Umpire, then, on the Application of the Companies, or any of them, the Board of Trade may appoint an Umpire; and the Umpire so appointed shall for the Purposes of this Act be deemed to be appointed by the Arbitrators so failing.

Appointment of Umpire by Board of Trade to supply Vacancy.

XVI. Every

Succeeding Arbitrators and Umpires to have Powers of Predecessors.

XVI. Every Arbitrator appointed in the Place of a preceding Arbitrator, and every Umpire appointed in the Place of a preceding Umpire, shall respectively have the like Powers and Authorities as his respective Predecessor.

Reference to Umpire.

XVII. Where there are Two or more Arbitrators, if they do not, within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Reference is made to the Arbitrators, agree on their Award thereon, then the Matters referred to them, or such of those Matters as are not then determined, shall stand referred to their Umpire.

Power for Arbitrators, &c. to call for Books, &c., and administer Oath.

XVIII. The Arbitrator, and the Arbitrators, and the Umpire respectively may call for the Production of any Documents or Evidence in the Possession or Power of the Companies respectively, or which they respectively can produce, and which the Arbitrator, or the Arbitrators, or the Umpire shall think necessary for determining the Matters referred, and may examine the Witnesses of the Companies respectively on Oath, and may administer the requisite Oath; and in *Scotland* may grant Diligence for the Recovery of the Documents or Evidence, and for citing Witnesses, and on Application to the Lord Ordinary he may issue Letters of Supplement or other necessary Writs in support of the Diligence.

Procedure in the Arbitration.

XIX. Except where and as the Companies otherwise agree, the Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Business of the Reference in such Manner as he and they respectively shall think fit.

Arbitration may proceed in Absence of Companies.

XX. The Arbitrator, and the Arbitrators, and the Umpire respectively may proceed in the Absence of all or any of the Companies in every Case in which, after giving Notice in that Behalf to the Companies respectively, the Arbitrator, or the Arbitrators, or the Umpire shall think fit so to proceed.

Several Awards may be made.

XXI. The Arbitrator, and the Arbitrators, and the Umpire respectively may, if he and they respectively think fit, make several Awards, each on Part of the Matters referred, instead of One Award on all the Matters referred; and every such Award on Part of the Matters shall for such Time as shall be stated in the Award, the same being such as shall have been specified in the Agreement for Arbitration, or in the event of no Time having been so specified, for any Time which the Arbitrator may be legally entitled to fix, be binding as to all the Matters to which it extends, and as if the Matters awarded on were all the Matters referred, and that notwithstanding the other Matters or any of them be not then or thereafter awarded on.

XXII. The

XXII. The Award of the Arbitrator, or of the Arbitrators, or of the Umpire, if made in Writing under his or their respective Hand or Hands, and ready to be delivered to the Companies within such a Time as the Companies agree on, or, failing such Agreement, within Thirty Days next after the Matters in difference are referred to (as the Case may be) the Arbitrator, or the Arbitrators, or the Umpire, shall be binding and conclusive on all the Companies.

Awards made in due Time to bind all Parties.

XXIII. Provided always, That (except where and as the Companies otherwise agree) the Umpire, from Time to Time by Writing under his Hand, may extend the Period within which his Award is to be made; and if it be made and ready to be delivered within the extended Time, it shall be as valid and effectual as if made within the prescribed Period.

Power for Umpire to extend Period for making his Award.

XXIV. No Award made on any Arbitration in accordance with this Act shall be set aside for any Irregularity or Informality.

Awards not to be set aside for Informality.

XXV. Except only so far as the Companies bound by any Award in accordance with this Act from Time to Time otherwise agree, all Things by every Award in accordance with this Act lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Awards to be obeyed.

XXVI. Full Effect shall be given by all the Superior Courts of Law and Equity in the United Kingdom, according to their respective Jurisdiction, and by the Companies respectively, and otherwise, to all Agreements, References, Arbitrations, and Awards in accordance with this Act; and the Performance or Observance thereof may, where the Courts think fit, be compelled by Distress infinite on the Property of the Companies respectively, or by any other Process against the Companies respectively or their respective Property that the Courts or any Judge thereof shall direct, and where requisite frame for the Purpose.

Agreements, Arbitrations, and Awards to have Effect.

XXVII. Except where and as the Companies otherwise agree, the Costs of and attending the Arbitration and the Award shall be in the Discretion of the Arbitrator, and the Arbitrators, and the Umpire respectively.

Costs of Arbitration and Award.

XXVIII. Except where and as the Companies otherwise agree, and if and so far as the Award does not otherwise determine, the Costs of and attending the Arbitration and the Award shall be borne and paid by the Companies in equal Shares, and in other respects the Companies shall bear their own respective Costs.

Payment of Costs.

XXIX. The

Submission to Arbitration to be made a Rule of Court.

XXIX. The Submission to any Arbitration in accordance with this Act may at any Time be made a Rule of any of Her Majesty's Superior Courts of Record at *Westminster*, or, as the Case may be, at *Dublin*, on the Application of any Party interested; and the Court may remit the Matter to the Arbitrator, or to the Arbitrators, or to the Umpire, with any Directions the Court think fit.

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including a new Harbour of Refuge and a new Steamboat Pier: And whereas the said Company have constructed a Horse Railway or Tramway for the Conveyance of the Traffic passing along the *Chester and Holyhead* Railway to and from the Harbour and Pier at *Holyhead*, and it would be of great Convenience to the Public if Power were given to the proper Authorities to permit the Use of the said Horse Railway or Tramway with Locomotive Engines: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury, &c. may authorize Company to use Tramway with Locomotive Engines, with Consent of Board of Trade.

I. The Commissioners of Her Majesty's Treasury, with the Assent and during the Pleasure of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral, and of the Board of Trade, may authorize the Use of the present Horse Railway or Tramway with Locomotive Engines for such Period and on such Terms as they shall from Time to Time think fit, and the *Chester and Holyhead* Railway Company shall during such Use at all Times maintain the said Railway and Works fit for the Passage of Locomotive Engines: Provided always, that nothing in this Act contained shall extend to enable the Company to acquire any Rights in the Lands vested in the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral, or in any of the Water Frontage of the said Lands.

Station or Lodge to be erected at Points of Crossing.

II. And whereas the said Railway crosses on the Level Two public Carriage Roads: Therefore, for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass on such Roads, as may from Time to Time be made by the Board of Trade; and if the Company fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Land, if required, to be taken by

III. Provided always, That nothing in this Act contained shall authorize the *Chester and Holyhead* or *London and North-western* Railway

Railway Companies to take compulsorily any Lands or any Estate or Interest therein, but it shall be lawful for any Person who by the Lands Clauses Consolidation Act, 1845, is capacitated to sell Land, to agree with the said Companies, or either of them, for the Sale and Purchase of any Land required for the Purposes of this Act, or in connexion therewith.

Agreement only.

IV. If there be any Owner or Occupier of any Houses or Premises adjoining the said Railway who shall complain of any Injury by the Use of Locomotive Engines on the said Railway as aforesaid, the Owner, Occupier, or other Person interested therein shall receive from the Company such Compensation for such Injury (if any) sustained by him or them as shall be determined under the Provisions of the several Sections with respect to the Settlement of Disputes by Arbitration of the Companies Clauses Consolidation Act, 1845, hereby incorporated with this Act.

Compensation to Owners, &c. of Houses and Premises injuriously affected by the Alteration of the Tramway into a Railway.

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and the Judges of the said Court shall, by a Rota or otherwise as they may deem most convenient, make Provision for the Attendance of the requisite Number of Judges to make a full Court at the Times so appointed for the Sittings of the full Court.

Precedence of the Judge Ordinary.

III. The Judge Ordinary shall have Place and Precedence in the said Court next after the Lord Chief Baron of Her Majesty's Court of Exchequer.

The Court may make Orders as to Custody of Children after a final Decree of Separation.

20 & 21 Vict. c. 85.

IV. The Court after a final Decree of Judicial Separation, Nullity of Marriage, or Dissolution of Marriage, may upon Application (by Petition) for this Purpose make, from Time to Time, all such Orders and Provision with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents was the Subject of the Decree, or for placing such Children under the Protection of the Court of Chancery, as might have been made by such final Decree or by Interim Orders in case the Proceedings for obtaining such Decree were still pending; and all Orders under this Enactment may be made by the Judge Ordinary alone or with One or more of the other Judges of the Court.

As to Marriage Settlements of Parties after final Decree of Nullity of Marriage.

V. The Court after a final Decree of Nullity of Marriage or Dissolution of Marriage may inquire into the Existence of antenuptial or post-nuptial Settlements made on the Parties whose Marriage is the Subject of the Decree, and may make such Orders with reference to the Application of the whole or a Portion of the Property settled either for the Benefit of the Children of the Marriage or of their respective Parents as to the Court shall seem fit.

On a Petition by Wife on account of Adultery, &c., both Husband and Wife competent, &c. to give Evidence.

VI. On any Petition presented by a Wife, praying that her Marriage may be dissolved by reason of her Husband having been guilty of Adultery coupled with Cruelty, or of Adultery coupled with Desertion, the Husband and Wife respectively shall be competent and compellable to give Evidence of or relating to such Cruelty or Desertion.

Extension of Right of Appeal to House of Lords.

VII. The Right of Appeal to the House of Lords given by the Fifty-sixth Section of the recited Act shall extend to all Sentences and Final Judgments on Petitions under the Legitimacy Declaration Act, 1858.

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Acts to be construed as One Act.

II. The said recited Act and this Act shall be treated and construed as One Act.

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a Jury or other Mode competent, or may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing, and upon such Case being approved of by such Court or a Judge thereof, they shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to the Court in such other Part of Her Majesty's Dominions, being One of the Superior Courts thereof, whose Opinion is desired upon the Law administered by them as applicable to the Facts set forth in such Case, and desiring them to pronounce their Opinion on the Questions submitted to them in the Terms of the Act; and it shall be competent to any of the Parties to the Action to present a Petition to the Court whose Opinion is to be obtained, praying such last-mentioned Court to hear Parties or their Counsel, and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall, if they think fit, appoint an early Day for hearing Parties or their Counsel on such Case, and shall thereafter pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper.

Opinion to be authenticated and certified Copy given.

II. Upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required, and shall be deemed and held to contain a correct Record of such Opinion.

Opinion to be applied by the Court making the Remit.

III. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with an Officer of the Court in which the Action may be depending, who may have the official Charge thereof, together with a Notice of Motion, setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as Evidence, or conclusive Evidence as the Court may think fit, of the Foreign Law therein

therein stated, and the said Opinion shall be so submitted to the Jury.

IV. In the event of an Appeal to Her Majesty in Council or to the House of Lords in any such Action, it shall be competent to bring under the Review of Her Majesty in Council or of the House of Lords the Opinion pronounced as aforesaid by any Court whose Judgments are reviewable by Her Majesty in Council or by the House of Lords, and Her Majesty in Council or that House may respectively adopt or reject such Opinion of any Court whose Judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in Law.

Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.

V. In the Construction of this Act, the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls or any Vice Chancellor, the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein.

Interpretation of Terms.

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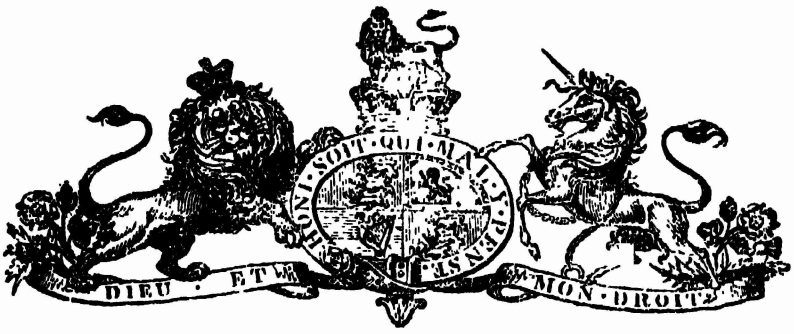

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Chapel at Lisbon confirmed.

by any Minister in Holy Orders, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, (both or One of the Parties to such respective Marriages being Subjects or a Subject of this Realm,) shall be deemed and held to be as valid in the Law as if the same respectively had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Certificates received by Secretary of State to be sent to the Registrar General, and certified Copies to be Evidence, as under 6 & 7 W. 4. c. 86.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar General of Births and Marriages in *England* all such Certificates of the Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State by Her Majesty's Consul or Vice-Consul at *Lisbon*; and all Certificates which shall be transmitted to such Registrar General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, "for registering "Births, Deaths, and Marriages in *England*," concerning the certified Copies of Registers sent to the said Registrar General, as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

Right to search and have Copies.

III. All Persons shall have the like Right to search such Certificates and to have certified Copies thereof, and upon the like Payment, as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act, and certified Copies of Registers, therein mentioned; and Section Forty-three of such Act, concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or Extract, shall be applicable with respect to the Certificates to be received by the said Registrar General under this Act, in the like Manner as such Enactment applies with respect to such Register Books.

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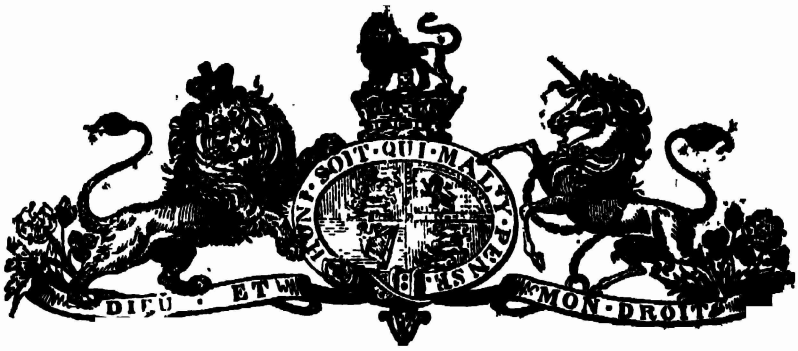

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CAP. LXV.

An Act for amending the Acts for the better Regulation of Divisions in the several Counties of *England* and *Wales*. [13th *August* 1859.]

WHEREAS by an Act passed in the Ninth Year of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales, the Court of Quarter Sessions is empowered, in certain Cases, to make Orders for altering existing Divisions and for constituting new Divisions for holding Petty and Special Sessions: And whereas an Act for more effectually executing the said recited Act was passed in the Tenth Year of His said late Majesty, and another Act for amending the said recited Act was passed in the Sixth Year of His late Majesty *William* the Fourth: And whereas Doubts have arisen whether under the said first herein-recited Act the Justices therein mentioned are empowered to divide any Parish, Tything, Township, or Place for the Purpose of including any Part or Parts thereof respectively in any Division constituted under the said Acts or any or either of them: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons,

9 G. 4. c. 43.

10 G. 4. c. 46.

6 & 7 W. 4. c. 12.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Justices may divide Parishes, &c., for constituting Divisions of Counties.

I. It shall be lawful for the said Justices, if they shall think fit, to divide any Parish, Tything, Township, or Place for the Purpose of altering or constituting such Divisions, and after any Order of the said Justices for altering or constituting any Division under the said Acts shall have taken effect the Part or Parts of any Parish, Tything, Township, or Place included in any Division altered or constituted by such Order shall be deemed and taken to be Part of such Division for all the Purposes of the said Acts, but not further or otherwise.

Court to make Order in respect of the Appointments and Duties of Officers.

II. Whensoever the Court of Quarter Sessions shall, under the Provisions herein or in the said recited Acts contained, make an Order for dividing any Parish, Tything, Township, or Place for the Purpose of altering or constituting such Divisions as aforesaid, and it shall appear to the Court that any Inconvenience may arise therefrom in or respecting the Appointment or Duties of any Bailiffs, Constables, or Tythingmen, Surveyors, Overseers of the Poor, or other Officers or Persons, the Court of Quarter Sessions shall or may, at the same or at any future Sessions, make such Order in respect of the said Appointments and Duties as the Court shall deem necessary or expedient.

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ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

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by which a different Unit of Measure is adopted, which Contracts may not be renewed.

Models of Measures to be made and verified under the Direction of the Treasury.

III. Within Three Months next after the passing of this Act Models of Gasholders measuring the said Cubic Foot, and such Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury of the United Kingdom for the Time being shall judge expedient, and from Time to Time after the Expiration of the aforesaid Period of Three Months Models of such further Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the said Commissioners shall from Time to Time think expedient, shall be carefully made, with proper Balances, Indices, and Apparatus, for testing the Measurement and Registration of Meters, and such Models shall be verified under the Direction of the Lord High Treasurer or the said Commissioners, and when so made and verified shall be deposited in the Office of the Comptroller General of the Exchequer at *Westminster;* and Copies of the Models so from Time to Time deposited, verified as aforesaid, shall be sent to the Lord Mayor of *London*, and the Chief Magistrate of *Edinburgh* and *Dublin*, and to the Chief Magistrate of such other Cities and Boroughs, and to such other Places and Persons in Her Majesty's Dominions, as the said Lord High Treasurer or the aforesaid Commissioners may from Time to Time direct; and the said Lord High Treasurer or the said Commissioners shall appoint a competent Person or Persons to design and make, subject to the Approval and by Direction of such Lord High Treasurer or the said Commissioners, Stamps of a uniform Design to be used for stamping Meters throughout the United Kingdom, with only such Variations of Numbers or Marks thereon as shall be sufficient to distinguish each Inspector's District.

Models to be deposited.

Copies of the Models of Gasholder to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland.

IV. In *England* at some General or Quarter Sessions of the Peace within Nine Months next after the passing of this Act the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in such Boroughs as may adopt this Act, as herein-after provided, the Town Council at the Meeting next after such Adoption, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Nine Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions or Meeting so called, shall determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their respective Jurisdictions, and shall direct

direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps, for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and all such Districts shall be distinguished by the Number or Mark applied thereto on such Stamps, and they shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Town Council or Magistrates as aforesaid to perform, and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Town Council in *England* or Royal Burgh of *Scotland*, except such as are County Towns, wherein Gas is used, to provide Copies of the said Models and Stamps, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expense Copies of the said Models and Stamps to be used within such united Districts: Provided always, that in every Borough in *England* where there is a Town Council, not being a Manufacturer or Seller of Gas, it shall be lawful for such Town Council within Six Months after the passing of this Act, after One Month's Notice duly given in the Manner in which Notices are usually published by such Town Council, to adopt this Act, if the Majority of the Members present at any Council Meeting at which the Subject is appointed to be considered shall so determine; and if no Resolution to that Effect shall be passed within such Time, then the Justices aforesaid, at their next practicable General or Quarter Sessions after the Expiration of such Six Months, shall in reference to any Borough not so adopting this Act carry this Act into effect; and in all Boroughs as aforesaid in which the Town Council is a Manufacturer or Seller of Gas, the Justices of such Boroughs shall have such and the like Powers of adopting and carrying into effect the Provisions of this Act within such Boroughs as by this Act are given to Town Councils not being Manufacturers or Sellers of Gas.

Appointment of Inspectors.

V. In

Models and Copies of Gasholders to be provided by Town Councils, Town Commissioners, &c., and Inspectors appointed.

V. In *Ireland* the Town Council or Town Commissioners of every Borough and Town, such Town Council or Commissioners not being Manufacturers or Sellers of Gas, shall at a Meeting of the Town Council or Commissioners to be held within Nine Months after the passing of this Act, and so from Time to Time at any subsequent Meeting, determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their Towns or Boroughs respectively, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and shall direct what reasonable Remuneration shall be paid to such Inspectors, and they are hereby empowered to suspend or dismiss any Inspector so appointed, or to appoint additional Inspectors from Time to Time as Occasion may require; and in all Boroughs and Towns in which the Town Council or Town Commissioners shall be Manufacturers or Sellers of Gas, the Justices of such Boroughs and the Grand Jury of the County in which such Boroughs or Towns not having a separate Commission of the Peace shall be situate respectively shall have such and the like Powers as by this Act are given to the Town Council and Town Commissioners not being Manufacturers or Sellers of Gas for carrying into effect the Provisions of this Act within such Boroughs and Towns: Provided always, that the Jurisdictions of such Town Council and Town Commissioners, Justices, and Grand Juries respectively shall extend to all Meters out of such Boroughs or Towns for measuring Gas manufactured at any Gasworks by which any such Borough or Town shall be supplied with Gas.

Officers of the Exchequer at Westminster to stamp Copies of Models.

VI. The Copies of the said Models so directed by the said Justices, Magistrates, or Town Council to be verified and stamped at the Exchequer shall be compared with the Models deposited with the Comptroller General of the Exchequer as aforesaid, and if correct shall be verified and stamped by the Comptroller General, or some other Officer of the Exchequer at *Westminster*, duly authorized, upon Payment of such Fees as are at present payable upon Verification and stamping a Set of Measures under the Acts relating to Weights and Measures, and no Stamp Duty shall be payable thereon.

VII. The

VII. The Expense of providing and transmitting such Copies of Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, and of the Stamp to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings, Divisions, Counties of Cities or Counties of Towns, and in Boroughs out of any Funds applicable to Lighting Purposes, and if no such Funds then out of the Borough Fund; and in *Scotland* such Expenses in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, according to the Real Rent of Lands and Heritages as appearing on the Valuation Roll of such Shires, Stewartries, and Burghs respectively, and in such Manner and by such Persons as the said Commissioners of Supply and Magistrates respectively may determine and appoint, and such Assessments shall be collected under the same Powers of levying and Recovery as are competent for levying and recovering the Land Tax: Provided always, that in the City of *London* the Expenses and Remuneration aforesaid shall be paid out of the Consolidated Rate raised by the Commissioners of Sewers of the City of *London*, and in *Ireland* such Expenses in the respective Boroughs and Towns shall be provided for and paid respectively out of any Funds applicable to Lighting Purposes, and if no such Fund then out of any other Borough or Town Fund.

Expense of providing Copies of Models and Remuneration of Inspectors defrayed out of County Rates, &c.

VIII. No Maker, Repairer, or Seller of Meters or of Gas, or Person employed in the making, repairing, or selling of Meters or Gas, shall be an Inspector of Meters under the Provisions of this Act; and every Inspector shall forthwith enter into a Bond or Recognizance to the Queen, to be sued for in any Courts of Record, in such Sum, and either with or without a Surety or Sureties, as the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed shall fix, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment at such Time or Times as he may be directed by the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the said Copies of Models and Stamps committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices, Magistrates, Town Council, or other Persons aforesaid immediately on his Removal or other Cessation from Office.

No Maker or Seller of Meter, or Person in the Service of any Gas Company or Manufacturer of Meters or Gas, to be an Inspector.

Inspector to enter into Recognizances.

IX. In *England* the Justices in General or Quarter Sessions assembled, or the Town Council in Boroughs adopting this Act at any

Inspectors to attend at Towns

where Gas is consumed, when required by Justices.

any Meeting thereof, and in *Scotland* the Justices or Magistrates at a Meeting called for the Purpose, and in *Ireland* the Town Council or Town Commissioners of any such Borough or Town as aforesaid, shall determine and appoint on what Days, at what Hours, and what Places each and every Inspector shall attend with the said Copies of Models and Stamps in his Custody at each of the several Towns and Districts within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, test, and, if found correct, stamp all such Meters as shall be required under the Provisions of this Act to be so examined, tested, and stamped, and shall deface or destroy the Stamp on any Meter tested and found incorrect under the Provisions of this Act, and he shall keep a Book wherein he shall enter Minutes of all such Examinations and Testings, with the Numbers of Identity and Capacity marked by the Manufacturer on such Meters, and give, if required, a Certificate under his Hand of every such Stamping and Defacing; and every Inspector shall once in every Quarter of a Year account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or Borough or Town, or to such other Person as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer as aforesaid, who shall account for the same.

Inspector to pay Fees to Treasurer of County, &c.

Meters when stamped need not be re-stamped.

X. No Meter duly stamped under the Authority of this Act shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Meter throughout the United Kingdom, unless found to be incorrect within the Meaning of this Act.

Penalty on Inspector for Misconduct.

XI. In case any Inspector of Meters shall stamp any Meter without duly testing and finding the same to be correct, or shall refuse, or for Three Days after being so required under the Provisions of this Act neglect, without lawful Excuse, to test any Meter or to stamp any Meter found to be correct on being so tested, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall upon Conviction forfeit a Sum not exceeding Five Pounds for every such Offence.

Meters not to be stamped if more than Two per Cent. incorrect in favour of the Buyer

XII. No Meter shall be stamped which shall be found by the Inspector to register, or be capable of being made by any Contrivance for that Purpose, or by Increase or by Decrease of the Water in such Meter, or by any other Means practically prevented in good Meters, to register, Quantities varying from the true Standard Measure of Gas

Gas more than Two *per Centum* in favour of the Seller or Three *per Centum* in favour of the Consumer; and every Meter, whether stamped or unstamped, which shall be found by such Inspector to register or be so capable of being made to register Quantities varying beyond the Limits aforesaid, shall be deemed incorrect within the Meaning of this Act; and every Meter which shall be found by such Inspector to measure and register Quantities accurately, or not varying beyond the Limits aforesaid, and shall be found incapable by any such Means as aforesaid of being made to register Quantities varying beyond the Limits aforesaid, shall be considered to be correct, and be stamped as aforesaid in such Manner and on such Part of the Meter as shall be specially directed by the Authority appointing him, or in default of such Direction as shall in his Opinion best prevent Fraud: Provided always, that every Meter having a measuring Capacity at One Revolution or complete Action of the Meter of not less than Five Cubic Feet, and having permanently marked upon it in some conspicuous Place the Words "without Float," shall be stamped by the Inspectors, if found correct, within the Meaning of this Act, in all other respects except that it is capable of being made by Abstraction of Water to register incorrectly against the Seller of Gas, but it shall not be lawful after the Time aforesaid to use in the Sale of Gas any such Meter, when so stamped by the Inspector, except by written Agreement between the Buyer and Seller specifying that this Description of Meter shall be used.

or Three per Cent. in favour of the Seller, and to be stamped if erroneous to no greater Extent.

Certain Meters incorrect against the Seller of Gas may be used by Agreement.

XIII. The following Rules shall be observed by the Inspector in testing Meters under the Provisions of this Act:

Rules for testing Meters.

Firstly, the Meter shall be tested for Soundness or Leakage only, and not for Per-centage of Error, when fixed on a horizontal Base, and with Gas under a Pressure equal to a Column of Water Three Inches high, with a Light or Lights consuming not more than One Twentieth Part of its measuring Capacity *per* Hour marked thereon, nor less than One Half of a Cubic Foot *per* Hour, for all Meters of a measuring Capacity not exceeding One hundred Cubic Feet *per* Hour, and not more than One Fortieth Part of its said measuring Capacity *per* Hour for all Meters of any greater measuring Capacity *per* Hour than One hundred Cubic Feet; and all Meters found to work under such Test shall be deemed sound Meters, and any Meter found not to work under such Test shall not be stamped:

The Meter to be tested for Per-centage of Error shall be fixed on a horizontal Base, and shall be tested at a Pressure equal to a Column of Water Five Tenths of an Inch high, and passing the Quantity of Gas or Atmospheric Air *per* Hour which shall be marked thereon as its measuring Capacity *per* Hour, and the Water used in such Testing, and

and the Air of the Room in which such Testing shall be made, shall be as nearly as practicable of the same Temperature as the Gas or Air passed through the Meter.

Penalty for counterfeiting Stamps.

XIV. If any Person or Persons shall make, except under the Authority of this Act, or forge or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting, any Stamp or Mark which may be hereafter used for the stamping or marking of any Meter under this Act, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, or dispose of, let, lend, or expose to Sale, any Meter with such forged Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Ten Pounds or less than Forty Shillings, and all Meters with such forged or counterfeited Stamps shall be forfeited and destroyed.

Penalty for obstructing Inspector.

XV. Any Person who shall knowingly repair or alter, or knowingly cause to be repaired or altered, or knowingly tamper with, or do any other Act in relation to any stamped Meter so as to cause such Meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful Access to any Meter in his Possession or Control, or the Supply of Water thereto as herein-after provided, or shall obstruct or hinder any Examination or Testing authorized by this Act of any such Meter, shall on Conviction forfeit a Sum not exceeding Five Pounds, pay the Fees for removing and testing, and the Expense of purchasing and fixing a new Meter; provided that the Payment of any such Penalty as aforesaid shall not exempt the Person paying from Liability to Indictment or other Proceeding at Law to which he would otherwise be liable, or deprive any Person of the Right to recover Damages against such Person for any Loss or Injury sustained by such Act or Default.

Consumers may use any stamped Meter.

XVI. Every Consumer of Gas may purchase and use for the Measurement of the Gas supplied to him any Meter duly stamped under the Authority of this Act, provided that the Gas to be consumed *per* Hour shall not exceed the Quantity *per* Hour the Meter is intended to measure, so marked on the Outside thereof as aforesaid.

After Ten Years all Meters to be stamped.

XVII. After the Expiration of Ten Years from the passing of this Act all Meters whatsoever not previously stamped which shall be used for buying and selling Gas, or for the collecting of any Rates or Duties, or for making any Charges on the Passage, Transmission,

Transmission, or Conveyance of Gas, shall be examined and tested under the Authority of this Act, and stamped if found correct; and every Person who shall after the Times respectively fixed by this Act knowingly use any Meter which has not been so stamped as aforesaid shall on Conviction forfeit a Sum not exceeding Five Pounds, and any Contract, Bargain, or Sale made by any such Meter shall be void; and every such Meter so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person knowingly using or possessing the same, shall be forfeited and destroyed.

After Twelve Months no Meter to be sold &c. unless stamped; and unstamped Meters may be stamped if required, or stamped Meters substituted, at the Expense of the Person requiring it.

XVIII. No Meter for the Purpose of ascertaining the Quantity of Gas sold shall be fixed for Use after the Expiration of Twelve Months after the passing of this Act, unless the same shall have its measuring Capacity at One Revolution or complete Action of the Meter, and also the Quantity *per* Hour it is intended to measure in Cubic Feet, or Multiples or Decimal Parts of a Cubic Foot, denominated or marked on the Outside thereof in legible Letters or Figures, and shall be stamped by an Inspector of Meters under the Provisions of this Act; and every Person who after the Expiration of such Twelve Months shall fix for Use any such Meter before it has been so stamped shall be liable to a Penalty of Five Pounds for every such unstamped Meter; and all Meters required to be tested and stamped, except as herein-after mentioned, shall be delivered to the Inspector at the Place where his testing Gasholder and Apparatus may be kept; and every Purchaser and Seller of Gas by Meter may, at his own Expense, at any Time after the Expiration of the said Twelve Months, require any unstamped Meter by which his Gas is measured to be examined, tested, and, if found correct, stamped, or he may at his own Expense substitute a stamped Meter in the Place of any such unstamped Meter: Provided always, that such Purchaser or Seller of Gas shall before Removal of any such unstamped Meter for the Purposes aforesaid give Twenty-four Hours Notice in Writing of such intended Removal to the other Party to the Contract.

Fees for testing and stamping Meters.

XIX. The Fees for Examination, Comparison, and testing, with or without stamping, Meters, shall be Sixpence for each Meter delivering a Cubic Foot of Gas in Four or more Revolutions or complete Repetitions of the Action of the Meter, and One Shilling for each Meter delivering a Cubic Foot of Gas by any less Number of Revolutions or complete Actions, or One Revolution or complete Action, and for each Meter delivering more than One Cubic Foot of Gas by One Revolution or complete Action the further Sum of One Shilling for every Cubic Foot of Gas delivered at One Revolution or complete Action beyond the First Cubic Foot.

 XX. In

Power to Justices and Inspectors to enter Houses, &c., and inspect Gas Measures and Meters.

XX. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* it shall be lawful for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* or *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at the Request and Expense of any Buyer or Seller of Gas, who shall have given Twenty-four Hours Notice in Writing to the other Party to the Contract, at all seasonable Times to enter any House or Shop, Store, Warehouse, Still, Yard, or Place whatsoever within his Jurisdiction where any Meter, whether stamped or unstamped, shall be fixed or used, and to examine and test the same, and if necessary for such Purpose to remove such Meter, doing as little Damage thereby as may be; and if upon such Examination and Testing it shall appear that any such Meter is incorrect within the Meaning of this Act, or fraudulent, the same shall not be refixed or used again unless and until altered and repaired so as to measure and register correctly, and stamped; and the Fees on such Removal, Examination, and Testing of a Meter, whether stamped and replaced or not, shall be double the Fees herein-before made payable for testing and stamping, and shall be payable by the Buyer or Seller of Gas as the Justice of the Peace in *England* or *Ireland*, or the Sheriff, Justice, or Magistrate in *Scotland*, as the Case may be, shall determine, and shall be recoverable accordingly: Provided always, that in case the Head Office of the Person or Company to whom such Notice is to be given shall be more than Twenty Miles distant from the Meter referred to in such Notice, Three Days Notice in Writing shall be given instead of Twenty-four Hours Notice as aforesaid; and provided also, that any Person duly authorized by any Company or Persons selling Gas by Meter may supply Water to any Meter, so as to keep the Water at the correct Level.

Disputed Decision of Inspector to be referred to Two Inspectors of adjoining Districts, &c.

XXI. In case of any Dispute between the Buyer and Seller of Gas by Meter, or between any Owner of a Meter and any Inspector of Meters under this Act, respecting the Correctness of any Meter, the Inspector shall, if required by any such Person dissatisfied with his Decision, give such Party his Reasons in Writing for such Decision, and such Party may require such Meter to be examined and re-tested by Two Inspectors of adjoining or neighbouring Districts, to be named by any Justice of the Peace having Jurisdiction in the District where such Meter shall have been tested; and the unanimous Decision of such last-mentioned Inspectors shall be final as to the Correctness or Incorrectness of such Meter, except in case of Appeal to the General or Quarter Sessions; and in case such Two Inspectors shall not agree, the Decision of the Inspector of the District to which such Meter belongs shall be considered final, except in case of Appeal to the General or Quarter Sessions, as herein-after provided; and the Expenses

Expenses of the Proceedings to be taken under the Powers hereby granted shall be ascertained by the Justice, who shall also determine by and to whom the same shall be paid, and such Expenses may be recovered in any Court of competent Jurisdiction.

Persons aggrieved may appeal to Quarter Sessions.

XXII. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Persons who may think themselves aggrieved by any Act or Decision of any Inspector or Inspectors of Meters, or by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may appeal to the Justices of the Peace, Recorder, or other presiding Officer at the then next practicable General or Quarter Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices, Recorder, or other presiding Officer shall either hear and determine the said Complaints at such General or Quarter Sessions, or, if they think proper, shall adjourn the Hearing thereof till the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices, Recorder, or other presiding Officer may, if they or he see cause, reverse or alter such Decision, and mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they or he shall judge reasonable, and may also order such Costs to be paid by the Party complained against to the Party appealing, or *vice versâ*, as they shall think reasonable.

This Act and existing Powers not to be cumulative.

XXIII. Where any Municipal Corporation, Local Board of Health, or Two or more Justices, or any other Corporation or Person now have Powers of appointing Inspectors of Meters, and they or such Inspectors now have Powers of stamping, re-stamping, examining, or testing Meters, those Powers and the Provisions of this Act shall not be cumulative, but after the Expiration of Nine Months after the passing of this Act the Provisions of this Act shall supersede all such Powers.

XXIV. No

Proceedings not to be quashed for want of Form or removed.

XXIV. No Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

As to Recovery and Application of Penalties.

XXV. In *England* and in such Boroughs and Towns as aforesaid in *Ireland* all Fees and Penalties received and recovered under this Act shall be applied in aid of the Stock or Fund out of which the Expenses of carrying the Act into effect shall be defrayed, and in *Scotland* all Penalties incurred under the Provisions of this Act shall be recoverable, with Expenses, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges, and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the said Models in the Place where such Penalties shall be awarded; and it is hereby provided that it shall be competent for the said Courts respectively to proceed in a summary Way and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expenses decerned for, failing Payment within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXVI. In *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at *Edinburgh*, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled

An

An Act for taking away and abolishing Heritable Jurisdictions in Scotland, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expenses awarded against him or them by the Sentence or Sentences appealed from in the event of the Appeal or Appeals being dismissed, together with any additional Expenses which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or any other Way than as herein provided.

Limitation of Actions &c.

XXVII. In all Actions brought against any Person for anything done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall be laid and brought in the County within which the Cause of Action shall have arisen, and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of Amends.

XXVIII. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon Proceedings,

Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

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Printers to the Queen's most Excellent Majesty. 1859.

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TO THE

PUBLIC GENERAL ACTS,

22° & 23° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.

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I. - - - - -	Ireland.
E. & I. - -	England and Ireland.
G.B. - - - -	Great Britain.
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